



1949

The Laws of Jamaica, 1948

Jamaica

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THE
LAWS OF JAMAICA


PASSED IN THE YEAR 1948

PUBLISHED BY AUTHORITY

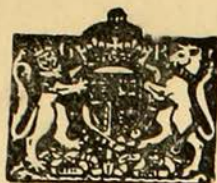
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1949

SEP 22 1949

 <p>Seal of the State of Connecticut, featuring a shield with a ship, surrounded by the words 'CONNECTICUT' and '1776'. Below the shield is a banner with 'Constitution 1780'. To the right is an illustration of the Connecticut State Capitol building with the text 'Charter 1606'.</p>		
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46. The Recognizances and Sureties of the Peace (Amendment) Law, 1948.
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LAWS OF 1948

[Came into operation on 23.1.48.]

1. A Law to Make Provision for the Constitution, Organisation, Training and Discipline of a Cadet Force.

[Came into operation on 1.1.47.]

2. A Law to make provision for the establishment, out of the proceeds of sale of Sugar exported from Jamaica, of a Fund for the stabilization of the price of Sugar exported from Jamaica, and of a Fund for the capital rehabilitation of the Sugar Industry and of a Fund for the welfare of workers in the Sugar Industry, and for the administration and application of moneys standing to the credit of the foregoing Funds and for purposes incidental to or connected with any of the foregoing purposes.

[Came into operation on 13.2.48]

3. A Law to make provision for the exercise by the Registrar of the Supreme Court of Judicature of Jamaica of certain powers vested in such Court or a Judge thereof concurrently with such Court or Judge.

[Came into operation on 13.3.48]

4. A Law to Amend the Agricultural Small Holdings Law, 1945.

[Came into operation on 13.3.48]

5. A Law to Amend the Minimum Wage Law.

[Came into operation on . . .]

6. A Law to make provision for the satisfaction of the whole or any part of the purchase price or of the compensation payable by the Government of Jamaica in respect of the acquisition, by purchase or in the exercise of powers conferred by any law relating to the compulsory acquisition of land, of any land with a view to resale and of certain costs or expenses incidental or related to such acquisition by the issue of bonds, and for the issue, negotiability and redemption of such bonds and the payment of interest thereon and for matters incidental to or connected with any of the foregoing purposes.

[Came into operation on 13.3.48]

7. A Law to Amend the Tonnage Tax Law, 1946.

[Came into operation on 1.4.48]

8. A Law to Regulate and Control the Importation, Exportation, Manufacture, Repair, Purchase, Sale, Possession and Carrying in public places of Firearms, and for purposes incidental to or connected with any of the foregoing purposes.

[Came into operation on 30.4.48]

9. A Law to Extend Further the Operation of the United States Bases (Agreement) Law, 1941.

[Came into operation on 3.6.48]

10. A Law to Continue further the Operation of the Public Meetings Law, 1939.

[Came into operation on 14.6.48]

11. A Law to apply a sum of money for the service of the year ending on the 31st day of March, 1949.

[Came into operation on 29.7.48]

12. A Law to Amend the Administration of Criminal Justice Law.

[Came into operation on 29.7.48]

13. A Law to Provide for the Punishment of Incest.

[Came into operation on 29.7.48]

14. A Law to Amend the Aliens Law, 1945.

[Came into operation on 29.7.48]

15. A Law to make provision as to the immunities, privileges and capacities of international organisations of which His Majesty's Government in the United Kingdom and foreign governments are members; to confer immunities and privileges on the staffs of such organisations and representatives of member governments and in respect of premises and documents of such organisations; to remove doubts as to the extent to which representatives of foreign Powers attending international conferences and the staffs of such representatives are entitled to diplomatic immunities; and for purposes connected with the matters aforesaid.

[Came into operation on 29.7.48]

16. A Law to Empower the Supreme Court of Judicature of Jamaica to Grant Probate and Administration to a Trust Corporation.

[Came into operation on 29.7.48]

17. A Law to Amend the Local Registered Stock Law, 1942.

[Came into operation on 29.7.48]

18. A Law to enable the Government of Jamaica to guarantee the repayment of certain loans raised by approved organisations or authorities and for matters relating thereto and connected therewith.

[Came into operation on 29.7.48]

19. A Law to Repeal The Water Street (Authority to Lease) Law, 1943.

[Came into operation on 29.7.48]

20. A Law to Amend the Agricultural Loan Societies Law, 1944.

[Came into operation on 29.7.48]

21. A Law to Amend the Parochial Roads Law.

VI

[Came into operation on 26.8.48].

22. A Law to amend the Judicature Law and for matters incidental thereto or connected therewith.

[Came into operation on 26.8.48].

23. A Law to Amend the Agricultural Marketing Law, 1944.

[Came into operation on 26.8.48].

24. A Law to enable members of the Civil Service of Jamaica who have been possessed of certain legal professional qualifications, the possession of which is a condition precedent to the holding of certain offices under the Crown in Jamaica, and who have ceased to possess such qualifications, to continue to hold and to be eligible for appointment to such offices, and for purposes incidental thereto and connected therewith.

[Came into operation on]

25. A Law to Amend the Road Traffic Law.

[Came into operation on 12.11.48].

26. A Law to Amend the Unlawful Possession of Agricultural Produce Law.

[Came into operation on 12.11.48].

27. A Law to Provide for the Probation of Offenders.

[Came into operation on 1.12.48].

28. A Law to alter the Titles of certain Officers and Sub-Officers of the Jamaica Constabulary.

[Came into operation on 15.11.48].

29. A Law to encourage the manufacture of cement in Jamaica and to make provision for the granting of relief from customs duty, tonnage tax and income tax and surtax to persons engaged in such manufacture, and to regulate the importation, sale and distribution in Jamaica of cement, and for purposes incidental to or connected with any of the foregoing.

[Came into operation on 15.11.48].

30. A Law to extend the duration of the Rum (Special Grade) Sales Tax Law, 1945, and to validate and confirm certain taxes heretofore collected and acts heretofore performed.

[Came into operation on 15.11.48].

31. A Law to Amend the Counties and Parishes Law.

[Came into operation on]

32. A Law to provide for an additional pension to Harold Robert Leslie Fox, General Manager of the Jamaica Government Railway.

[Came into operation on 25.11.48].

33. A Law to Authorise the Closing of a Portion of Maiden Lane in the Parish of Kingston.

VII

[Came into operation on 10.12.48].

34. A Law to encourage the establishment of a motion picture industry in Jamaica and to make provision for the granting of certain relief from customs duty, tonnage tax and income tax to persons engaged in motion picture production in Jamaica and for purposes incidental to or connected with any of the foregoing purposes.

[Came into operation on 25.11.48].

35. A Law to Amend the Importation of Textiles (Quotas) Law.

[Came into operation on 25.11.48].

36. A Law Further to Amend the Agricultural Loans Law.

[Came into operation on 25.11.48].

37. A Law to Amend the Fletcher Trust Law.

[Came into operation on 1.1.49].

38. A Law to Amend the Income Tax Law.

[Came into operation on 26.11.48].

39. A Law to Allow and Confirm Certain Expenditure incurred in the Financial Year 1946-47.

[Came into operation on 26.11.48].

40. A Law to provide for the establishment of a Teaching Hospital and for the establishment and incorporation of a Board of Management for such Hospital and to confer upon such Board all such powers as may be necessary or expedient for constructing, equipping, furnishing, establishing, maintaining, controlling and operating such Hospital and for exempting such Board of Management from the payment of import duties and tonnage tax and stamp duties, legacy duty and of succession duty and for exempting from estate duty any devises or bequests to such Board of Management, and for purposes incidental to or connected with the foregoing purposes.

[Came into operation on 22.11.48].

41. A Law to Repeal the Rum (Special Grade) Sales Tax Law, 1945, and all Amendments thereto.

[Came into operation on 9.12.48].

42. A Law to Amend the Water Commission (Corporate Area) Law.

[Came into operation on 9.12.48].

43. A Law to Regulate the Growing, Processing, Purchase and Sale of Coffee in Jamaica and the Export of Coffee from Jamaica and to Encourage the Development of the Coffee Industry for purposes incidental to or connected with any of the foregoing purposes.

[Came into operation on]

44. A Law to Amend and simplify the law relating to juveniles and to make provision in relation to the care or protection of juveniles and the trial and treatment of juvenile offenders, and for other matters connected therewith and relating thereto.

VIII

[Came into operation on 9.12.48].

45. A Law to Amend the Dangerous Drugs Law, 1942.

[Came into operation on 9.12.48].

46. A Law to Amend the Recognizances and Sureties of the Peace Law.

[Came into operation on 14.12.48].

47. A Law to Amend the Parishes Water Supply Law.

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List of Laws passed in previous years and not proclaimed up to the 31st December, 1948

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Law 47 of 1937. The Pilotage Law, 1937.

1941

Law 13 of 1941. The Registration of Nurses Law, 1941.

1946

Law 16 of 1946. The Statistics Law, 1946.

List of Laws passed in previous years and proclaimed during 1948

1942

Law 22 of 1942. The Dangerous Drugs Law, 1942.

1943

Law 22 of 1943. The Animals (Diseases and Importation) Law, 1943.

List of Laws passed in 1948 and not yet proclaimed

Law 6 of 1948. The Land Bonds Law, 1948.

Law 25 of 1948. The Road Traffic (Amendment) Law, 1948.

Law 32 of 1948. The Pension Provision (Harold Robert Leslie Fox)
Law, 1948

Law 44 of 1948. The Juveniles Law, 1948.

Statutes and Laws Repealed, Amended or otherwise Affected by Laws 1 to 47 of 1948

Statutes or Laws repealed or affected	How affected	Number of Law
Cap. 302	Reference made to, by	Law 2 of 1948
Cap. 430 Cap. 431 Cap. 441 Cap. 463	Reference made to, by	Law 3 of 1948
Law 35 of 1945	Read and construed as one with Section 8 paragraph (b) amended by	Law 4 of 1948
Law 31 of 1938	Read and construed as one with Section 3 amended by re-numbering sub-sections (2) and (3) thereof as sub-sections (3) and (4) respectively; and by inserting after sub-section (1) a new sub-section as sub-section (2) of the section, by	Law 5 of 1948
Law 7 of 1946	Read and construed as one with Section 8 amended by	Law 7 of 1948
Law 76 of 1941 Cap. 285 Cap. 197	Reference made to, by Amended in the respects set out in the Schedule to, by Schedule amended by	Law 8 of 1948
Law 76 of 1941	Read and construed as one with Section 4 (as inserted therein by Law 21 of 1947) repealed and a new section substituted therefor by	Law 9 of 1948
Law 27 of 1939	Read and construed as one with Section 10 (as inserted therein by Law 14 of 1946) repealed and a new section substituted therefor by	Law 10 of 1948

XI

Statutes and Laws Repealed, Amended or otherwise Affected by Laws 1 to 47 of 1948

Statutes or Laws repealed or affected	How affected	Number of Law
Cap. 470	Read and construed as one with Amended by the insertion next after section 4 of a new section as 4A by	Law 12 of 1948
Cap. 416	Reference made to, by	Law 13 of 1948
Law 34 of 1945	Read and construed as one with Section 22 amended by	Law 14 of 1948
Cap. 353	Reference made to, by	Law 16 of 1948
Law 37 of 1942	Read and construed as one with Amended by the insertion next after section 17 of a new section as section 17A by Amended by the insertion of a new section as section 30 by	Law 17 of 1948
Law 31 of 1943	Repealed by	Law 19 of 1948
Law 28 of 1944	Read and construed as one with Sub-section (1) of section 15 amended by the insertion of new paragraphs as paragraph (c) and paragraph (d) by Section 32 amended by	Law 20 of 1948
Cap. 37	Read and construed as one with Section 51 amended by the dele- tion of paragraph (j) and the substitution therefor of a new paragraph by Section 52 amended by Section 53 amended by	Law 21 of 1948
Cap. 430	Read and construed as one with Section 7 amended by Section 28 amended by	Law 22 of 1948
Law 54 of 1944	Read and construed as one with Sub-section (2) of section 5 amended by	Law 23 of 1948

XII

Statutes and Laws Repealed, Amended or otherwise Affected by Laws 1 to 47 of 1948

Statutes or Laws repealed or affected	How affected	Number of Law
Cap. 310	Read and construed as one with Section 14 AA (as inserted by the Road Traffic (Licensing of Military Drivers) (Defence) Regulations, 1943) repealed by	Law 25 of 1948
Cap. 413	Read and construed as one with Amended by the addition after section 13 of a new section as section 14 by	Law 26 of 1948
Cap. 475	Repealed by	Law 27 of 1948
Law 38 of 1945	Read and construed as one with	Law 30 of 1948
Cap. 5	Read and construed as one with Sub-section (3) of section 3 amended by	Law 31 of 1948
Law 27 of 1947	Reference made to, by	Law 32 of 1948
Cap. 179	Read and construed as one with Section 2 amended by renumbering the section as sub-section (1) and by inserting thereafter a new sub-section as sub-section (2) by	Law 35 of 1948
Cap. 340	Read and construed as one with Section 3 amended by the insertion next after section 3 of a new section as section 3A by	Law 36 of 1948
Law 28 of 1944	Reference made to, by	
Cap. 62	Read and construed as one with Section 3 repealed and a new section substituted therefor, by	Law 37 of 1948
Cap. 201	Read and construed as one with Section 2 amended by the insertion next after the definition of "body of persons" (inserted therein by the Income Tax (Amendment) (No. 2) Law, 1939) of the definition of "building society" by	Law 38 of 1948
Law 55 of 1939		

XIII

Statutes and Laws Repealed, Amended or otherwise Affected by Laws 1 to 47 of 1948

Statutes or Laws repealed or affected	How affected	Number of Law
Cap. 261 Cap. 201	Reference made to, by Section 7 amended by the deletion of the proviso to sub-section (1) of the section (as inserted therein by section 3 of the Income Tax (Amendment) Law, 1945) and the substitution therefor of a new proviso, by	Law 38 of 1948
Law 6 of 1945	Paragraph (i) of sub-section (5) (as inserted therein by section 2 of the Income Tax (Amendment) Law, 1944) amended by	
Law 19 of 1944	Paragraph (g) of section 9 (as inserted therein by section 5 of the Income Tax (Amendment) Law, 1945) amended by	
Law 6 of 1945	Section 9A (as inserted therein by the Income Tax (Amendment) Law, 1944) repealed and a new section substituted therefor by	
Law 19 of 1944	Amended by the insertion after section 9C of new sections as sections 9D and 9E by	
Law 54 of 1944 Cap. 201	Reference made to, by Amended by the insertion after section 10 of a new section as section 10A, by	
Law 19 of 1944	Section 14 (as inserted therein by section 6 of the Income Tax (Amendment) Law, 1944) amended, by	
	Amended by the insertion after sub-section (5) of section 14 of a new sub-section as sub-section (6) by	
Law 6 of 1945	Section 14A (as inserted therein by section 8 of the Income Tax (Amendment) Law, 1945) amended by	
	Section 27 repealed and a new section substituted therefor, by	
Cap. 204 Cap. 201	Reference made to, by Section 29 amended by	
Law 6 of 1945	Section 34A (as inserted therein by section 10 of the Income Tax (Amendment) Law, 1945) amended by	

XIV

Statutes and Laws Repealed, Amended or otherwise Affected by Laws 1 to 47 of 1948

Statutes or Laws repealed or affected	How affected	Number of Law
Chp. 201 Law 6 of 1945	Section 35A (as inserted therein by section 11 of the Income Tax (Amendment) Law, 1945) amended by Amended by the insertion after section 41 of new sections as sections 41A, 41B and 41C, by	Law 38 of 1948
Law 15 of 1946	Reference made to, by	Law 39 of 1948
Cap. 197 Cap. 194 Cap. 196 Cap. 195	Schedule to Law amended by Section 18 of the Estate Duty Law, amended by the insertion after sub-section (3) of a new sub-section as sub-section (4) by Section 20 of the Legacy Duty Law amended by the insertion after section 20 of a new section as section 21 by Section 4 of the Succession Duty Law amended by the insertion after paragraph (4) thereof of a new paragraph as paragraph (5) by	Law 40 of 1948
Law 38 of 1945 Law 10 of 1947 Law 30 of 1948	Repealed by	Law 41 of 1948
Cap. 66	Read and construed as one with Amended by the insertion next after section 29 of a new section as section 29A by	Law 42 of 1948
Law 17 of 1943	Reference made to, by	Law 43 of 1948

Statutes or Laws repealed or affected	How affected	Number of Law
Law 27 of 1948 } Cap. 416 } Cap. 433 } Cap. 301 } Cap. 452 } Cap. 453 } Law 20 of 1942 } Cap. 386 } Cap. 113 } Cap. 468 } Law 8 of 1943 } Law 26 of 1945 } Cap. 113 } Cap. 386 } Law 31 of 1941 } Law 47 of 1941 } Law 57 of 1941 } Law 51 of 1944 }	Reference made to, by	
	Amended by	Law 44 of 1948
	Repealed by	
Law 22 of 1942	Read and construed as one with Amended by the insertion next after section 25 of a new section as section 25A by	Law 45 of 1948
Cap. 474	Read and construed as one with Section 2 amended by Amended by the insertion next after section 2 of a new section as section 2A by	Law 46 of 1948
Cap. 38	Read and construed as one with Section 54 amended by	Law 47 of 1948

No. 1—1948

I assent,

[L.S.]

J. HUGGINS,

Governor.

16th January, 1948.

A LAW to Make Provision for the Constitution, Organisation, Training and Discipline of a Cadet Force

[23rd January, 1948]

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1—This Law may be cited as the Army and Air Cadet Force Law, 1948.

Short title
and
construction.

2—In this Law—

“cadet commission” means a commission granted by the Governor under section 6 of this Law and carrying rank and precedence only within the Cadet Force; and

Inter-
pretation.

“Cadet Force” means the Army and Air Cadet Force constituted under section 3 of this Law.

Constitution
of Force.

3—(1) There is hereby constituted a cadet training force to be known as the Army and Air Cadet Force.

(2) The Cadet Force shall be under the command of a Commandant who shall be appointed by the Governor.

Constitution
of Jamaica
Cadet Force.

4—The Governor shall appoint a committee to be known as the Jamaica Cadet Committee whose function it shall be to exercise a general control and superintendence over the Cadet Force in matters affecting policy, finance and training facilities.

Composition
of Cadet
Force.

5—The Cadet Force shall be composed of such Headquarters Staff, companies, platoons, sections or other units as the Commandant, with the approval of the Jamaica Cadet Committee, shall appoint.

Grant of
commissions
in Cadet
Force.

6—(1) The Governor may, upon the recommendation of the Commandant, grant cadet commissions conferring such rank upon officers of the Cadet Force as he may think fit.

(2) The Governor may, upon the recommendation of the Commandant, approve of the promotion of any cadet officer to any higher rank than that conferred upon him by his cadet commission.

Rules.

7—(1) The Commandant may, with the approval of the Jamaica Cadet Committee, make rules for the better carrying out of the provisions of this Law.

(2) Rules made under this section may, without prejudice to the generality of the provisions of sub-section (1) of this section, provide—

- (a) for the discipline and training of members of the Cadet Force;
- (b) for the rank, precedence, promotion and command *inter se* of cadet under-officers;
- (c) for the uniform, insignia and badges to be worn by members of the Cadet Force; and
- (d) for the constitution, organisation and strength of units of the Cadet Force.

8—(1) The Army and Air Cadet Force, in this section referred to as the former Force constituted under the provisions of the Army and Air Cadet Force (Defence) Regulations, 1944, shall for all purposes be deemed to be the Force constituted under this Law.

Special provisions in relation to former Cadet Force.

(2) The persons who immediately before the commencement of this Law are members of the Jamaica Cadet Committee constituted under the Army and Air Cadet Force (Defence) Regulations, 1944, shall constitute the Jamaica Cadet Committee referred to in section 4 of this Law and shall for all purposes be deemed to have been validly appointed to such Committee.

(3) The person who immediately before the commencement of this Law held the office of Commandant of the former Force shall be deemed to have been validly appointed to the office of Commandant of the Force constituted under this Law.

(4) All persons who immediately before the commencement of this Law held commissions in the former Force shall be deemed to have been validly commissioned in the Force constituted under this Law in the same rank which they held in the former Force immediately prior to the commencement of this Law.

(5) All Rules made by the Commandant of the former Force with the approval of the Jamaica Cadet Committee constituted under the Army and Air Cadet Force (Defence) Regulations, 1944, shall be deemed to have been made under the provisions of section 7 of this Law and shall apply to the Force constituted under this Law as they apply to the former Force.

JAMAICA

No. 2--1948

I assent,

[L.S.]

J. HUGGINS,

Governor.

21st January, 1948.

A LAW to make provision for the establishment, out of the proceeds of sale of Sugar exported from Jamaica, of a Fund for the stabilization of the price of Sugar exported from Jamaica, and of a Fund for the capital rehabilitation of the Sugar Industry and of a Fund for the welfare of workers in the Sugar Industry, and for the administration and application of moneys standing to the credit of the foregoing Funds and for purposes incidental to or connected with any of the foregoing purposes.

[1st January, 1947]

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1—This Law may be cited as the Sugar (Reserve Funds) Law, 1948, and shall be deemed to have come into operation on the 1st day of January, 1947.

Short title
and com-
mencement.

Interpre-
tation.

Cap. 302.

2—In this Law—

“exporter” means any person who is the holder of an export licence under the Sugar Control Law;

“relevant period” means any period during which—

- (a) His Majesty's Government in the United Kingdom or any Ministry or Agency thereof is the sole purchaser of the entire exportable surplus of sugar manufactured in Jamaica; and
- (b) it is a condition of the purchase of such sugar by such Government, Ministry or Agency that any sum shall be credited out of the proceeds of such purchase to any of the Funds constituted under this Law.

Establish-
ment of
Funds.

3—There is hereby created a Sugar Price Stabilization Fund, a Sugar Industry Capital Rehabilitation Fund and a Sugar Industry Labour Welfare Fund.

Exporter to
pay part of
proceeds of
sale of sugar
to Govern-
ment of
Jamaica.

4—(1) Every exporter who during any relevant period either exports any sugar from Jamaica pursuant to any sale or agreement to sell or with a view to sale, or sells any sugar for export, shall, within such time as may be prescribed, after the receipt, whether in Jamaica or elsewhere, by himself or by any person on his behalf of any moneys—

- (a) in respect of the sale of such sugar; or
- (b) in the event of such sugar being lost, stolen, damaged or destroyed before the property in such sugar passes to any purchaser thereof, under any policy of insurance in relation to such sugar,

pay or cause to be paid in such manner as may be prescribed to the Government of Jamaica out of such moneys the appropriate statutory deduction in respect of each ton of sugar so exported, sold for export or lost, stolen, damaged or destroyed.

(2) In this section “the appropriate statutory deduction” means such sum as is declared under section 5 of this Law to be the statutory deduction for the year

in which the sugar, in respect of the sale or loss, theft, damage or destruction of which the deduction is made, is manufactured.

5—The Governor in Executive Council in each calendar year during any relevant period shall by Order declare—

- (a) the statutory deduction for such calendar year; and
- (b) the proportion, if any, of such statutory deduction which is to be credited to each of the Funds constituted under this Law.

6—The Government of Jamaica shall credit to each of the Funds constituted under this Law the appropriate proportion, if any, of the moneys received by it under section 4 of this Law, so, however, that all of the moneys so received shall be credited to one or more of such Funds.

7—Notwithstanding anything to the contrary, no income tax shall be payable upon any moneys accruing from any source to any of the Funds constituted under this Law.

Relief from
income tax.

8—(1) The Governor in Executive Council may make regulations for the better carrying out of this Law and in particular but without prejudice to the generality of the foregoing power—

Regulations.

- (a) requiring exporters to furnish to such authority in such form and at such time such returns containing such information relating to the exportation and to the sale by them or on their behalf of any sugar as may be prescribed;
- (b) requiring exporters to produce any books of account kept by them, or any invoices, bills of lading or other documents in their possession or under their control relating to the exportation or sale of any sugar for inspection by such authority within such period and at such place as may be prescribed;
- (c) for the administration, investment and management of any moneys credited to any Fund established under this Law and for the auditing of any accounts in relation to such Fund;

- (d) for the disbursement of any moneys for the time being standing to the credit of any of the Funds created under this Law;
- (e) prescribing all things permitted by this Law to be prescribed.

(2) Regulations under this section may be made with retrospective effect to the date upon which this Law was deemed to have come into operation.

(3) Any regulation made under this section shall, as soon as may be after it is made, be laid on the table of the House of Representatives, and if the House of Representatives within a period of thirty days beginning with the day on which such regulation is laid on the table, resolves that the regulation be annulled it shall thereupon become void, without prejudice, however, to the validity of anything previously done thereunder, or to the making of a new regulation. In reckoning any such period of thirty days no account shall be taken of any time during which the House of Representatives has dissolved, or prorogued, or has adjourned for more than four days.

Penalty.

9—Every exporter who contravenes or fails to comply with the provisions of this Law or of any regulations made thereunder shall, upon summary conviction before a Resident Magistrate, be liable to a fine not exceeding five hundred pounds or to imprisonment with or without hard labour for any term not exceeding twelve months.

No. 3—1948

I assent.

[L.S.]

J. HUGGINS,

Governor.

13th February, 1948.

A LAW to make provision for the exercise by the Registrar of the Supreme Court of Judicature of Jamaica of certain powers vested in such Court or a Judge thereof concurrently with such Court or Judge.

[13th February, 1948.]

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1—This Law may be cited as the Supreme Court Short title.
(Additional Powers of Registrar) Law, 1948.

2—In this Law—

“Chief Justice” means the Chief Justice of Jamaica; Interpreta-
tion.

“Judge” means a Judge of the Supreme Court of
Judicature of Jamaica;

“Registrar” means the Registrar of the Supreme Court of Judicature of Jamaica;

“the Court” means the Supreme Court of Judicature of Jamaica;

“this Law” includes any order made under this Law.

Power to
make order
conferring
jurisdiction
on Registrar.

3—(1) The Chief Justice may by order published in the Gazette empower the Registrar to exercise, as from such date as shall be specified in such order, jurisdiction in relation to all of the matters specified in the Schedule to this Law or in relation to such of such matters as may be specified in such order.

(2) The Chief Justice may by order amend or revoke any order made under sub-section (1) of this section, and any such amending or revoking order shall specify the date on which it shall take effect.

(3) Where under any amending or revoking order made under sub-section (2) of this section the Registrar ceases to have jurisdiction in relation to any matter, then, in relation to any such matter pending before the Registrar on the date specified in such amending or revoking order, the following provisions shall have effect, that is to say,—

(a) where the matter has not as yet been heard by the Registrar, then such matter shall be deemed to be pending before a Judge;

(b) where the matter has been part heard by the Registrar, then the Registrar shall continue to have and exercise jurisdiction in relation to such matter and may make an order thereon as if such amending or revoking order had not been made, but thereafter the Registrar shall cease to have and exercise jurisdiction in relation thereto.

4—(1) Where under this Law the Registrar has jurisdiction in relation to any matter, then, subject to this Law, the Registrar shall have and may exercise in relation to the matter all the powers of the Court or a Judge, including the power of making an order in such matter, which order may include provision for costs, certificate for counsel or other consequential matters; and any such order so made by the Registrar shall, subject to this Law, have the same effect as if it had been made by the Court or a Judge.

Powers of Registrar exercising jurisdiction under this Law, etc.

(2) Where under this Law the Registrar exercises jurisdiction in relation to any matter, then—

- (a) in relation to such matter, the Registrar shall have all the rights, powers, immunities and privileges of a Judge;
- (b) any party to the proceedings may, if he so desires, appear by counsel or solicitor.

5—(1) Where under this Law the Registrar is empowered to exercise jurisdiction in relation to any matter but, on such matter coming before him, he considers that it is desirable by reason either of the nature of the matter, or of the importance of the principles involved, or of the difficulty of the legal problems connected therewith, or for any other reason, whether similar to the foregoing or not, so to do, he may refer the matter to a Judge.

Power of Registrar to refer matter to Judge.

(2) Where under sub-section (1) of this section the Registrar refers any matter to a Judge, the Judge to whom the matter is so referred may either—

- (a) dispose of the matter as if it had been pending before him originally; or
- (b) refer the matter back to the Registrar with such directions as he may think fit.

(3) Where a Judge refers any matter back to the Registrar with directions under sub-section (2) of this section, the Registrar shall forthwith take all necessary steps to comply with and give effect to such directions and for such purpose shall have and may exercise all the powers of the Judge.

Appeals.

Cap. 430.

6—(1) Subject to the provisions of section 11 of the Judicature Law, an appeal shall lie from any order or decision of the Registrar made in the exercise of any jurisdiction conferred upon him under this Law to a Judge in Chambers. •

Cap. 431.

Cap. 441.

(2) The provisions of sub-section (1) of this section shall have effect notwithstanding the provisions of section 8 of the Court of Appeal Law, or of section 74 of the Bankruptcy Law, or of any other Law, and in relation to any such appeal the Judge in Chambers shall have all the powers of the Court of Appeal; and an appeal shall lie from any order or decision of the Judge in Chambers made on an appeal under sub-section (1) of this section in the same manner and subject to the same conditions as if such order or decision had been made on a matter which had come before him originally.

(3) Any appeal under sub-section (1) of this section to a Judge in Chambers shall be made in such time and in such form and subject to such conditions as may be provided by Rules of Court made under the Judicature Law.

(4) No appeal from an order or decision of the Registrar under this section shall operate as a stay of proceedings unless the Registrar or a Judge so orders.

Special provisions relating to exercise by Registrar of jurisdiction in bankruptcy.
Cap. 441.

7—(1) Where under this Law the Registrar has jurisdiction in relation to any matter in bankruptcy and under the Bankruptcy Law or any Rules relating to proceedings in bankruptcy, the proceedings in such matter are required to be or may be held in open Court, then the Registrar shall have power to sit in open Court for the purpose of exercising jurisdiction in relation to such matter.

(2) Where under this Law the Registrar exercises jurisdiction in relation to any matter in bankruptcy, then section 55 and sub-section (1) of section 73 of the Bankruptcy Law shall have effect as if in such sub-section (1) of section 73—

(a) there were inserted after the words “or otherwise incapacitated” the words “or unless such examination was held before the Registrar and the application for the order of discharge is opposed”; and

- (b) the word "Judge", on the last three occasions on which that word appears in the sub-section, included a reference to the Registrar.

8—Nothing in this Law shall be construed as depriving Saving.
the Court or a Judge of any jurisdiction, right, power, privilege or immunity in relation to any matter in respect of which the Registrar is empowered under this Law to exercise jurisdiction, and the Court or a Judge may, in relation to any such matter, have and exercise jurisdiction as if this Law had not been enacted.

SCHEDULE

1. (a) Applications under section 30 of the Civil Procedure Code for Cap. 163
leave to renew the writ of summons.
(b) Applications under section 44 of the Civil Procedure Code for an order for substituted or other service or for the substitution of notice for service where the defendant is within the jurisdiction.
(c) Applications under section 68 of the Civil Procedure Code for an order that a guardian be assigned to a defendant.
(d) Applications under sections 145 and 147 of the Civil Procedure Code for an order where such application is made consequent upon the death of any party to a cause or matter.
(e) Applications under section 251, 252 or 253 of the Civil Procedure Code to assess damages or the value of goods where—
 - (i) interlocutory judgment has been entered and the Court or Judge has directed that such damages or the value of goods shall be assessed by the Registrar; and
 - (ii) there is only one defendant, or if there is more than one defendant, interlocutory judgment has been entered against all the defendants.
- (f) Applications under section 263 or 268 of the Civil Procedure Code for leave to amend before trial.
(g) Applications for directions under section 276 of the Civil Procedure Code other than subsequent applications made under section 276(5), unless such subsequent applications are merely to enlarge the time for pleading.
(h) Applications under section 616 of the Civil Procedure Code for leave to issue a summons.
(i) Applications under section 627 of the Civil Procedure Code for the issue of a writ for the sale of land of a judgment debtor.
2. Applications for the grant of probate or of letters of administration, or for the re-sealing of a grant of probate or of letters of administration, where such applications are not opposed.
3. (a) Applications under rule 8 of the Matrimonial Causes Rules, 1939, for leave to substitute for personal service some other mode of service, or to substitute notice for service, in a matrimonial cause.

Cap. 441.

- (b) Applications under rule 13 or 20 of the Matrimonial Causes Rules, 1939, for leave to enter an appearance, or to file any pleading, out of time in a matrimonial cause.
 - (c) Applications under rule 14 or 19 of the Matrimonial Causes Rules, 1939, for leave to amend a petition, summons, pleading, or other document, in a matrimonial cause.
 - (d) Applications under rule 15 of the Matrimonial Causes Rules, 1939, by a named woman for leave to intervene in a matrimonial cause.
 - (e) Applications under rule 24 of the Matrimonial Causes Rules, 1939, for the appointment of medical inspectors in a matrimonial cause.
 - (f) Applications under the Matrimonial Causes Rules, 1939, for leave to file supplemental or further affidavits in support of any petition or answer in a matrimonial cause.
4. (a) Applications under section 22 of the Bankruptcy Law for an order absolute on a petition by a debtor against himself.
- (b) Applications under section 34 of the Bankruptcy Law for a provisional order.
- (c) Applications under section 55 of the Bankruptcy Law to confirm a deed of arrangement where the application is not opposed.
- (d) The public examination of a debtor under section 67 of the Bankruptcy Law.
- (e) Applications under section 73 of the Bankruptcy Law for an order of discharge where the application is not opposed.
- (f) *Ex parte* applications under the Bankruptcy Law.

JAMAICA

No. 4—1948

I assent,

[L.S.]

J. HUGGINS,

Governor

8th March, 1948

A LAW to Amend the Agricultural Small Holdings Law
1945.

[13th March, 1948]

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1—This Law may be cited as the Agricultural Small Holdings (Amendment) Law, 1948, and shall be read and construed as one with the Agricultural Small Holdings Law, 1945, hereinafter referred to as the principal Law.

Short title
and con-
struction.
Law 35 of
1945.

2—Section 8 of the principal Law is hereby amended by the deletion from paragraph (b) of the proviso to the section of the word "two" and the substitution therefor of the word "four".

Amendment
of section
8 of principal
Law.

JAMAICA

No. 5—1948

I assent,

[L.S.]

J. HUGGINS,

Governor

11th March, 1948

A LAW to Amend the Minimum Wage Law.

[13th March, 1948]

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1—This Law may be cited as the Minimum Wage (Amendment) Law, 1948, and shall be read and construed as one with the Minimum Wage Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and con-
struction

Law 31 of
1938.

2—Section 3 of the principal Law is hereby amended in the following respects:—

Amendment
of section 3
of principal
Law.

- (a) by re-numbering sub-sections (2) and (3) of the section as sub-sections (3) and (4) respectively; and

- (b) by inserting after sub-section (1) the following sub-section as sub-section (2) of the section—

“(2) Any Proclamation under sub-section (1) of this section may fix different minimum rates of wages for workers employed in different categories of establishment engaged in the same occupation.”

No. 6--1948

I assent,

[L.S.]

J. HUGGINS,

Governor

11th March, 1948

A LAW to make provision for the satisfaction of the whole or any part of the purchase price or of the compensation payable by the Government of Jamaica in respect of the acquisition, by purchase or in the exercise of powers conferred by any law relating to the compulsory acquisition of land, of any land with a view to resale and of certain costs or expenses incidental or related to such acquisition by the issue of bonds, and for the issue, negotiability and redemption of such bonds and the payment of interest thereon and for matters incidental to or connected with any of the foregoing purposes.

[The date of any Proclamation issued by the
Governor bringing the Law into operation]

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1—This Law may be cited as the Land Bonds Law, 1948, and shall come into operation on a date to be appointed by the Governor by Proclamation published in the Gazette.

Short title
and
commence-
ment.

Interpreta-
tion.

2—In this Law—

“acquisition” means acquisition by purchase or in the exercise of powers conferred by any Law for the time being in force in relation to the compulsory acquisition of land;

“bonded estate” means any parcel of land the consideration money in respect of the acquisition of which by the Government was paid in whole or in part by the issue of land bonds;

“consideration money” includes, in relation to land which is acquired by purchase, the purchase price of such land together with any sum which may be payable by Government to the vendor in respect of the cost of conveying such land to Government and, in relation to any land which is compulsorily acquired, any sum which is payable by Government to any vendor in respect of the compensation awarded to such vendor by reason of the compulsory acquisition of his interest in such land and any sum payable by Government in respect of the costs awarded to such vendor in the proceedings for the compulsory acquisition of such land;

“vendor” means any person to whom any consideration money is payable in respect of the acquisition of any land.

Consideration
money pay-
able by
Government
in respect of
acquisition
of land may
be paid by
land bonds.

3—Where any land is acquired by Government with a view to resale the consideration money payable to any vendor in respect of the acquisition of such land may, by agreement between such vendor and Government, be paid either in whole or in part by the issue to such vendor of bonds, in this Law referred to as land bonds, to a nominal amount equivalent to the whole of the consideration money or to the part of the consideration money which it is agreed may be so paid, as the case may be.

Issue of land
bonds.

4—(1) For the purpose of paying any consideration money which may under section 3 of this Law be paid by the issue of land bonds, the Financial Secretary and Treasurer shall,

subject to the provisions of this section, create and issue when and as required land bonds in such form and of such denominations as may be prescribed.

(2) There shall not be outstanding at any one time land bonds to a nominal value in excess of £750,000.

5—(1) For the purpose of the redemption of land bonds and of the payment of interest upon land bonds there is hereby constituted a fund to be known as the Land Bond Fund.

Land Bond
Fund.

(2) All interest payable on land bonds shall be paid out of the Land Bond Fund constituted under this section and if the sum shall be insufficient shall be charged upon and paid out of the general revenues of this Island.

(3) All moneys required for the redemption of land bonds in accordance with the provisions of this Law shall be paid out of the Land Bond Fund established under this section and if such Fund shall be insufficient shall be charged upon and paid out of the general revenues of this Island.

6—(1) All land bonds shall bear interest at such rate as may be prescribed by the regulations under which they are issued.

Interest on
land bonds.

(2) The interest on any land bonds shall be paid by the Financial Secretary and Treasurer at such time and in such manner as may be prescribed.

7—(1) All land bonds shall be redeemable at par together with the payment of all arrears of interest thereon.

Redemption
of land
bonds.

(2) The Financial Secretary and Treasurer shall make arrangements for the redemption of land bonds by means of periodical drawings at such time and in such manner as may be prescribed.

(3) Regulations shall be made under this Law providing for the immediate redemption of land bonds surrendered to the Collector General in satisfaction of any arrears of taxes accrued due in relation to the bonded estate of which they were issued, at the time of such acquisition or in respect of any death duties payable on the death of the person to whom they were issued.

(4) All land bonds may at any time after the expiration of twenty-five years from the issue thereof, if not previously redeemed, be redeemed at par at such time and either by drawing or otherwise as may be prescribed.

Registration
and negotia-
bility.

8—(1) The Financial Secretary and Treasurer shall keep in the prescribed form a register containing such particulars as may be prescribed in relation to all land bonds issued under this Law.

(2) No sum payable by way of interest upon any land bonds or upon the redemption of any land bonds, shall be paid to any person except a person for the time being shown upon the register as the owner of the bonds in respect of which the payment is made.

(3) All land bonds shall be capable of being transferred in such manner as may be prescribed.

Moneys to be
credited to
Land Bond
Fund.

9—(1) Where any moneys are received (whether in a lump sum or by instalments) by the Government of Jamaica in respect of the sale of any bonded estate, the whole of the moneys so received shall be credited to the Fund up to an amount equal to the bonded debt diminished by the amount of any interest paid out of general revenue under sub-section (2) of section 5 of this Law upon bonds issued in respect of the acquisition of the bonded estate.

(2) Where any moneys are received (whether in a lump sum or by instalments) by the Government in respect of the sale of any land comprised in a bonded estate, the whole of the moneys so received shall be credited to the Fund up to an amount which together with the aggregate of any amounts previously so credited in respect of the sale of lands comprised in such estate is equal to the bonded debt.

(3) In this section—

“bonded debt” means in relation to any bonded estate or any land comprised in such estate an amount equivalent to the aggregate of the amounts of the nominal value of land bonds issued in respect of the acquisition of such estate and of the interest accrued due thereon and of the specified addition;

“specified addition” means in relation to any bonded estate or any land comprised in a bonded estate such amount as is equivalent to such percentage of the amount of the nominal value of land bonds issued in respect of the acquisition of such estate as may be prescribed by the Governor in Executive Council.

10—The Governor in Executive Council may make such Regulations.
regulations for giving better effect to the provisions of this Law as he may deem to be necessary or expedient.

specified addition, means in relation to any bonded estate or any land comprised in a bonded estate such amount as is equivalent to such percentage of the amount of the nominal value of land bonds issued in respect of the redemption of such estate as may be prescribed by the Governor in Executive Council.

104.—The Governor in Executive Council may make such regulations for giving effect to the provisions of this Law as he may deem to be necessary or expedient.

No. 7—1948

I assent,

[L.S.]

J. HUGGINS,

Governor

11th March, 1948

A LAW to Amend the Tonnage Tax Law, 1946.

[13th March, 1948]

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1—This Law may be cited as the Tonnage Tax (Amendment) Law, 1948, and shall be read and construed as one with the Tonnage Tax Law, 1946, (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and con-
struction.

Law 7 of
1946.

2—Section 8 of the principal Law is hereby amended by the deletion from the last line of the section of the word "forty-eight" and the substitution therefor of the word "fifty".

Amendment
of section 8
of principal
Law.

No. 7-1948

11.24

A Bill to Amend the Tonnage Tax Law, 1948

[1948 Session, 1948]

Enacted by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1. This Law may be cited as the Tonnage Tax Law, 1948 (Amendment) Law, 1948, and shall be read and construed as one with the Tonnage Tax Law, 1948 (hereinafter referred to as the principal Law) and all amendments thereto.

2. Section 2 of the principal Law is hereby amended by the deletion from the last line of the section of the words "forty-eight" and the substitution thereof of the word "fifty".

JAMAICA

No. 8—1948

I assent,

[L.S.]

J. HUGGINS,

Governor.

19th March, 1948

A LAW to Regulate and Control the Importation, Exportation, Manufacture, Repair, Purchase, Sale, Possession and Carrying in public places of Firearms, and for purposes incidental to or connected with any of the foregoing purposes.

[1st April, 1948]

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1—This Law may be cited as the Firearms Law, 1948, and shall, except as otherwise provided in this Law, come into operation on the 1st day of April, 1948.

Short title
and com-
mencement.

PART I

Definition

2—(1) In this Law—

“appropriate authority” means, in relation to the grant, amendment or revocation of any licence, the appropriate authority specified in section 34 of this Law;

“artillery” means any cannon, howitzer, mortar or flame-thrower except of a type commonly in use before the year one thousand eight hundred and fifty;

“automatic rifle” means any rifle so designed or adapted that if pressure is applied to the trigger missiles continue to be discharged until pressure is removed from the trigger or the magazine containing the missiles is empty;

“firearm” means any artillery, machine gun, sub-machine gun, rifle, shot gun, pistol, air gun, air pistol, or any lethal barrelled weapon from which any shot, bullet or other missile can be discharged or noxious fumes can be emitted except any air rifle, air gun, or air pistol of a type prescribed by the Governor in Executive Council and of a calibre so prescribed, and includes any component part of any such weapon and such accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon;

“Firearm Dealer’s Licence” means any Firearm Dealer’s Licence under paragraph (e) of section 22 of this Law;

“Firearm Export Permit” means any permit under paragraph (b) of section 22 of this Law to export any firearms from Jamaica;

“Firearm Import Permit” means any permit under paragraph (a) of section 22 of this Law to import into Jamaica any firearms;

“Firearm Manufacturer’s Licence” means any Firearm Manufacturer’s Licence under paragraph (d) of section 22 of this Law;

“Firearm Transhipment Permit” means any permit under paragraph (c) of section 22 of this Law to tranship any firearms in Jamaica;

- “Firearm User’s (General) Licence” means any Firearm User’s (General) Licence under paragraph (j) of section 22 of this Law;
- “Firearm User’s Licence” includes any Firearm User’s (General) Licence and any Firearm User’s (Restricted) Licence;
- “Firearm User’s (Restricted) Licence” means any Firearm User’s (Restricted) Licence under paragraph (k) of section 22 of this Law;
- “Firearm User’s (General) Permit” means any Firearm User’s (General) Permit under paragraph (h) of section 22 of this Law;
- “Firearm User’s Permit” includes any Firearm User’s (General) Permit and any Firearm User’s (Restricted) Permit;
- “Firearm User’s (Restricted) Permit” means any Firearm User’s (Restricted) Permit under paragraph (i) of section 22 of this Law;
- “Firearm User’s (Special) Permit” means any Firearm User’s (Special) Permit under paragraph (1) of section 22 of this Law;
- “Firearm Disposal Permit” means any Firearm Disposal Permit under paragraph (g) of section 22 of this Law;
- “Gunsmith’s Licence” means a Gunsmith’s Licence under paragraph (f) of section 22 of this Law;
- “Leased Areas” means any area in the occupation of the Government of the United States of America pursuant to the Agreement set out in the Schedule to the United States Bases (Agreement) Law, Law 76 of 1941.
- “prohibited firearm” means any artillery, machine gun, sub-machine gun, automatic rifle or any weapon of whatever description or design, adapted for the discharge of any noxious liquid or gas;
- “restricted person” means any person who—
- (a) is a registered habitual criminal under any Law relating to the registration of habitual criminals; or
 - (b) has at any time within five years next before the event in relation to which the term is used been convicted of an offence under this Law or

under any Law in force before the commencement of this Law in respect of the importation, exportation, possession or use in Jamaica of any firearm, or of any offence involving fraud;

“traveller” means any person who arrives in Jamaica as an officer or member of the crew or passenger or stowaway upon any vessel or aircraft.

(2) For the purposes of this Law any artillery and any firearm shall be deemed to be of an obsolete type if of a type commonly in use before the year one thousand eight hundred and fifty.

PART II

Importation, Exportation and Transhipment

Restriction
on import-
ation and ex-
portation of
prohibited
firearms.

3—(1) No person shall import into, export from or tranship in Jamaica any firearm except under and in accordance with the terms of a Firearm Import Permit, Firearm Export Permit or Firearm Transhipment Permit, as the case may be.

(2) Every person who contravenes the provisions of sub-section (1) of this section shall be guilty of an offence and shall be liable—

(a) in the case of an offence relating to a prohibited firearm—

(i) on summary conviction thereof before a Resident Magistrate to a fine not exceeding Five Hundred Pounds or to be imprisoned for any term not exceeding twelve months; or

(ii) on conviction before a Circuit Court to be imprisoned for any term not exceeding five years.

(b) in any other case—

(i) on summary conviction thereof before a Resident Magistrate to a fine not exceeding One Hundred Pounds or to be imprisoned for any term not exceeding nine months, or to both such fine and such imprisonment; or

- (ii) on conviction before a Circuit Court to be imprisoned for any term not exceeding three years.

4—(1) Every traveller who disembarks in Jamaica shall, on being required so to do by any officer of customs, make a declaration in the prescribed form stating whether he has any, and, if so, what, firearms or ammunition in his possession or under his control.

Travellers
to make
declaration
of firearms.

(2) Every traveller who contravenes the provisions of sub-section (1) of this section shall be guilty of an offence and on summary conviction thereof before a Resident Magistrate shall be liable to a fine not exceeding Fifty Pounds or to be imprisoned for any term not exceeding six months or to both such fine and imprisonment.

5—(1) Every traveller who declares under section 4 of the Law that he has any firearm in his possession, unless he is the holder of a permit under section 3 of the Law, authorising the importation of such firearm into Jamaica shall either—

Further
provisions
relating to
declaration
of firearms
by travellers

- (a) cause such firearm to be retained upon the vessel or aircraft upon which he arrived into Jamaica until after such vessel or aircraft departs from Jamaica; or
- (b) deliver such firearm to an officer of customs in a sealed packet to be dealt with in accordance with the provisions of section 6 of this Law.

(2) Every person who contravenes the provisions of sub-section (1) of this section shall be guilty of an offence, and on summary conviction thereof before a Resident Magistrate shall be liable to a fine of any sum not exceeding Twenty-five Pounds or to be imprisoned for any term not exceeding three months.

6—Every firearm received by any officer of customs under section 5 of this Law shall be retained in the sealed packet in which it is received until either—

Custody of
firearms by
officer of
customs.

- (a) the traveller from whom it was received produces to an officer of customs a permit under this Law authorising the importation of such firearm into Jamaica, and pays the appropriate duty on such

firearm, in which event it shall be delivered to the traveller; or

- (b) such traveller gives not less than seven days notice in writing to the Collector General specifying some port at which he intends to embark for some place outside Jamaica and the date, time and vessel upon which he intends so to embark, in which event the sealed packet containing such firearm shall be delivered to the traveller immediately before he so embarks.

Firearms not to be deemed to be imported into Jamaica in certain circumstances.

7—For the purposes of this Part of this Law, a person shall not be deemed to import any firearm into Jamaica merely by reason of such firearm being in his possession or under his control on some vessel within the territorial waters of Jamaica or on some aircraft flying over Jamaica or its territorial waters or at some aerodrome in Jamaica, unless he causes or attempts to cause or permits such firearm to be disembarked from such vessel or aircraft in Jamaica otherwise than for the purpose of being delivered to an officer of customs in accordance with the provisions of section 5 of this Law.

Transport of firearms to and from United States Bases.

8—For the purposes of this Part of this Law, any person who, otherwise than in the execution of his duty as a Constable or as a member of the United States Forces in Jamaica or with the approval of the Commander of the United States Forces in Jamaica, transports or causes to be transported any firearm—

- (a) from any Leased Area to any place in Jamaica outside any Leased Area shall be deemed to import such firearm into Jamaica; or
- (b) from any place in Jamaica outside any Leased Area to any place in Jamaica within any Leased Area shall be deemed to export such firearm.

PART III

Manufacture, Sale, Purchase and Repair of Firearms

General restrictions upon manufacture and dealing in firearms.

9—(1) No person shall manufacture or deal in firearms except under and in accordance with the terms of a Firearm Manufacturer's Licence or a Firearm Dealer's Licence.

(2) Every person who contravenes the provisions of sub-section (1) of this section shall be guilty of an offence and shall be liable in the case of—

- (a) an offence in relation to the manufacture of any firearm or to dealing in prohibited firearms—
 - (i) on summary conviction thereof before a Resident Magistrate to a fine of any sum not exceeding Five Hundred Pounds or to be imprisoned for any term not exceeding twelve months; or
 - (ii) on conviction before a Circuit Court to be imprisoned for any term not exceeding five years; or
- (b) an offence in relation to dealing in ordinary firearms—
 - (i) on summary conviction thereof before a Resident Magistrate to a fine not exceeding One Hundred Pounds or to be imprisoned for any term not exceeding nine months, or to both such fine and such imprisonment; or
 - (ii) on conviction before a Circuit Court to be imprisoned for any term not exceeding three years.

10—(1) No person shall purchase or accept the gift of any firearm from or sell or give away any firearm to any other person if he has reasonable cause to believe such person to be under the age of sixteen years.

Restrictions
upon
acquisition
or disposal
of firearms.

(2) No person shall purchase or accept the gift of any firearm unless—

- (a) he is the holder of a Firearm Manufacturer's Licence or a Firearm Dealer's Licence or a Firearm User's Certificate in relation to a firearm of the type so acquired by him; and
- (b) the person from whom he purchases or accepts the gift of such firearm is the holder of a Firearm Manufacturer's Licence, or a Firearm Dealer's Licence, or a Firearm Vendor's Permit in respect of the firearm so sold or given away by such person.

(3) No person shall sell or give away any firearm unless—

- (a) he is the holder of a Firearm Manufacturer's Licence, or a Firearm Dealer's Licence, or a Firearm Vendor's Permit in respect of the firearm so sold or given away by him; and
- (b) the person to whom he sells or gives away such firearm is the holder of a Firearm Licence or a Firearm Dealer's Licence or a Firearm User's Permit in respect of a firearm of the type so sold or given away to such person.

(4) No person other than the holder of a Firearm Manufacturer's Licence or a Firearm Dealer's Licence shall accept the delivery of any firearm pursuant to any sale or gift of such firearm except in accordance with the provisions of section 11 of this Law.

(5) No person shall deliver any firearm pursuant to any sale or gift of such firearm to any person other than the holder of a Firearm Manufacturer's Licence or of a Firearm Dealer's Licence except in accordance with the provisions of section 11 of this Law.

(6) Every person who contravenes the provisions of this section shall be guilty of an offence, and shall be liable—

- (a) in the case of the acquisition or disposal of a prohibited firearm by any person or of the acquisition or disposal of an ordinary firearm by a restricted person—
 - (i) on summary conviction thereof before a Resident Magistrate, to a fine not exceeding Five Hundred Pounds or to be imprisoned for any term not exceeding twelve months; or
 - (ii) on conviction before a Circuit Court, to be imprisoned for any term not exceeding three years; or
- (b) in any other case, on summary conviction thereof before a Resident Magistrate, to a fine not exceeding One Hundred Pounds or to be imprisoned for any term not exceeding nine months.

11—Where any person (in this section referred to as “the purchaser”) other than the holder of a Firearm Dealer’s Licence purchases or accepts the gift of any firearm from any other person (in this section referred to as “the vendor”),—

Restriction
on delivery
of firearm.

- (a) the purchaser shall give notice in writing to the vendor specifying his name and address and some Police Station in the parish in which he resides at which he will be prepared to take delivery of the firearm to which the transaction relates; and
- (b) the vendor shall cause the firearm to which the transaction relates to be delivered in a sealed packet, together with a copy of the notice referred to in paragraph (a) of this section to the sub-officer in charge of some Police Station in the parish in which he resides or carries on business; and
- (c) the sub-officer in charge of the Police Station referred to in paragraph (b) of this section shall cause such sealed packet, together with the copy of the notice referred to in paragraph (a) of this section to be delivered in accordance with arrangements made by the Commissioner of Police to the sub-officer in charge of the Police Station specified in such notice; and
- (d) the sub-officer in charge of the Police Station last referred to in paragraph (c) of this section shall notify the purchaser that he has received such firearm and will deliver such firearm to the purchaser upon his applying in person therefor at such Police Station and producing a Firearm User’s Licence in respect of such firearm.

12—(1) No holder of a Firearm Manufacturer’s Licence or a Firearm Dealer’s Licence shall manufacture or deal in firearms elsewhere than upon the premises specified in his Licence.

Special
restrictions
upon
holders
of Firearm
Manufact-
urer’s or
Firearm
Dealer’s
Licences.

(2) Every person who contravenes the provisions of sub-section (1) of this section shall be guilty of an offence and shall be liable—

- (a) if such offence relates to any prohibited firearm—
 - (i) upon summary conviction before a Resident Magistrate to a fine not exceeding Five Hundred Pounds or to be imprisoned for any term not exceeding twelve months; or
 - (ii) upon conviction before a Circuit Court to be imprisoned for any term not exceeding five years; or
- (b) in any other case,
 - (i) upon summary conviction before a Resident Magistrate to a fine not exceeding One Hundred Pounds or to be imprisoned for any term not exceeding nine months; or
 - (ii) on conviction before a Circuit Court to be imprisoned for any term not exceeding three years.

General
restriction
on repair
of firearms.

13—(1) No person shall repair any firearm for reward except under and in accordance with the terms of a Gunsmith's Licence.

(2) Every person who contravenes the provisions of sub-section (1) of this section shall be guilty of an offence and on summary conviction thereof before a Resident Magistrate shall be liable to a fine not exceeding Fifty Pounds or to be imprisoned for any term not exceeding six months.

Restriction
re gunsmith.

14—(1) No holder of a Gunsmith's Licence shall accept delivery of any firearm for the purpose of effecting any alteration or repair thereto—

- (a) elsewhere than at the premises in respect of which he is licensed as a gunsmith; and
- (b) from any person other than a person who he has reasonable cause to believe is either the holder of a Firearm Manufacturer's Licence or a Firearm Dealer's Licence or the servant of such person, or the holder of a Firearm User's Licence in relation to the firearm so delivered to him.

(2) Every holder of a Gunsmith's Licence who contravenes the provisions of sub-section (1) of this section shall be guilty of an offence and on summary conviction thereof before a Resident Magistrate shall be liable to a fine not exceeding Twenty-Five Pounds or to be imprisoned for any term not exceeding three months.

15—(1) No person other than the holder of a Gunsmith's Licence shall—

Special restrictions on shortening firearms and converting imitation firearms into firearms.

- (a) shorten a barrel of any smooth bore gun to a length of less than twenty inches; or
- (b) convert into a firearm anything which though having the appearance of being a firearm is so constructed as to be incapable of discharging a missile through the barrel thereof.

(2) No holder of a Gunsmith's Licence shall do either of the things referred to in sub-section (1) of this section except with the prior written approval of the Inspector of Police in charge of the parish in which he carries on business as a gunsmith.

(3) Every person who contravenes the provision of this section shall be guilty of an offence and shall be liable on summary conviction thereof before a Resident Magistrate to a fine not exceeding Fifty Pounds or to be imprisoned for any term not exceeding six months.

16—(1) Every holder of a Firearm Manufacturer's Licence or a Firearm Dealer's Licence or a Gunsmith's Licence shall cause to be affixed and keep affixed over one of the principal entrances of the premises upon which he carries on business as a firearm manufacturer or a firearm dealer or a gunsmith, as the case may be, a board on which shall be printed in legible letters at least two inches in length the name in full of such licensee and the words "Licensed as a firearm manufacturer or a firearm dealer or a gunsmith" as the case may be.

Notice to be displayed by Licensees

(2) Every person who contravenes the provisions of sub-section (1) of this section shall be guilty of an offence and on summary conviction thereof before a Resident Magistrate shall be liable to a fine not exceeding Fifteen Pounds or to be imprisoned for any term not exceeding three months.

Records and
returns.

17—(1) Every holder of a Firearm Manufacturer's Licence or a Firearm Dealer's Licence or a Gunsmith's Licence shall keep such records in such form and containing such particulars as may be prescribed of all transactions relating to his business as a firearm manufacturer, firearm dealer or gunsmith, as the case may be.

(2) Every person who is required to keep records under sub-section (1) of this section shall make such returns to such authority in such form, in respect of such periods, at such time and containing such particulars as may be prescribed.

(3) Every person who contravenes the provisions of this section shall be guilty of an offence and shall be liable on summary conviction thereof before a Resident Magistrate to a fine not exceeding Fifty Pounds or to be imprisoned for any term not exceeding six months.

PART IV

Possession and use of Firearms

Possession
and use of
firearms.

18—(1) Subject to the provisions of sub-section (2) of this section, no person shall be in possession of any firearm except under and in accordance with the terms of a Firearm User's Licence.

(2) The provisions of sub-section (1) of this section shall not apply—

- (a) to any holder of a Firearm Manufacturer's Licence or a Firearm Dealer's Licence in respect of any firearms manufactured by him or forming part of his stock in trade as a firearm manufacturer or a firearm dealer; or
- (b) to the executor or administrator of any deceased person or to the Trustee in Bankruptcy or liquidator of any insolvent person, or of any company in liquidation, who before his decease, or becoming insolvent or going into liquidation, as the case may be, was the holder of a Firearm Manufacturer's Licence or a Firearm Dealer's Licence, in respect of any firearm forming part of the stock in trade of such person during the administration by such executor, administrator, Trustee in Bankruptcy or liquidator of the affairs of such person; or

- (c) to the holder of any Gunsmith's Licence, in respect of any firearm delivered to him for the purpose of effecting any repair or lawful alteration thereto; or
- (d) to any person who come into possession of any firearm in the capacity of executor or administrator of the estate of any deceased person, or Trustee in Bankruptcy or liquidator of any insolvent person or of any company in liquidation, during the period of thirty days after the day upon which he came into possession of such firearm; or
- (e) to any servant or agent of any of the persons referred to in paragraph (a) to (d) (both inclusive) of this sub-section in respect of any firearm entrusted to him for the delivery to the owner or to some person who is about to become the owner thereof in accordance with the provisions of this Law; or
- (f) to any Officer of Customs or to any member of the Jamaica Constabulary Force in respect of his possession of any firearm which came into his possession pursuant to the provisions of this Law during such period as such firearm is retained by him pursuant to the provisions of this Law; or
- (g) to any person in respect of the possession by him of any firearm entrusted to him by any member of the Jamaica Constabulary Force for transportation pursuant to the provisions of section 11 of this Law, from any place to any other place during such period, not being longer than is reasonably necessary for the transportation of such firearm, as such firearm is contained in a sealed packet; or
- (h) to any person in respect of the possession by him of any firearm delivered to him in accordance with the provisions of paragraph (e) of sub-section 2 of section 40, during the period of the absence from Jamaica of the owner of such firearm and two weeks thereafter, or the period of twelve months from the date of the departure of such owner from Jamaica, whichever shall be the shorter.

(3) Every person who contravenes the provisions of this section shall be guilty of an offence, and shall be liable—

- (a) if such person is a restricted person, to be imprisoned for any term not exceeding nine months and in addition to such imprisonment to a fine not exceeding One Hundred Pounds; and
- (b) in any other case—
 - (i) if such offence relates to the possession of a prohibited firearm, to a fine not exceeding One Hundred Pounds or to be imprisoned for any term not exceeding nine months; or
 - (ii) if such offence relates to the possession of any firearm other than a prohibited firearm, to a fine not exceeding Fifty Pounds or to be imprisoned for any term not exceeding six months.

General restriction upon carrying firearms in public.

19—(1) No person shall carry any firearm in any public place unless at the time when he carries such firearm he has about his person a Firearm User's Licence, authorising him to carry such firearm in such place, and, if such place is a place to which the provisions of section 20 of this Law apply, a Firearm User's (Special) Permit authorising him to carry such firearm in such place on such occasion.

(2) Every person who contravenes the provisions of sub-section (1) of this section shall be guilty of an offence against this Law, and on summary conviction thereof before a Resident Magistrate shall be liable to a fine not exceeding Ten Pounds or to be imprisoned for any term not exceeding thirty days.

Special restriction on carrying of firearms in public places.

20—(1) The Governor in Executive Council may by Proclamation apply the provisions of this section to any area, parish, district, town or village specified in such Proclamation.

(2) Every Proclamation under sub-section (1) of this section—

- (a) shall remain in force for a period of not more than one month (without prejudice to the power to issue a further Proclamation at or before the end of such period);
- (b) shall be published in the Gazette; and

(c) may at any time be varied, altered, amended or revoked by the Governor in Executive Council.

(3) Subject to the provisions of sub-section (6) of this section, no person shall carry any firearm in any public place within any area, parish, district, town or village to which this section applies, except in accordance with the terms of a Firearm User's (Special) Permit.

(4) Every person who contravenes the provisions of this section shall be guilty of an offence and on summary conviction thereof before a Resident Magistrate shall be liable to be imprisoned for any term not exceeding twelve months.

(5) Where any person is arrested for, or legal proceedings are instituted against any person in respect of, the contravention of any of the provisions of this section, any firearm found upon such person at the time of his arrest or at the time of the alleged contravention of the provisions of this section shall be retained by the Police until such time as any legal proceedings against such person in respect of such contravention are finally disposed of.

(6) The provisions of this section shall not apply to any officer, warrant officer, non-commissioned officer or men of any of His Majesty's Forces or to any constable or to any special district constable or to any special constable.

21—(1) No person shall discharge any firearm on or within forty yards of any public road or in any public place except—

Restrictions
relating to
the discharge
of firearms.

(a) in the lawful protection of his person or property or of the person or property of some other person;
or

(b) in the lawful shooting of a trespassing animal; or

(c) under the direction of some civil or military authority authorised to give such direction; or

(d) with the permission of the Governor.

(2) Where any contravention of sub-section (1) of this section occurs, any Justice of the Peace or Constable may enter any premises on which he has reasonable cause to believe such contravention was committed and seize any firearms there found which he has reasonable cause to believe were used in such contravention or are about to be used in the commission of some other contravention of sub-section (1) of this section.

(3) Every person who contravenes the provisions of sub-section (1) of this section shall be guilty of an offence, and on summary conviction thereof before a Resident Magistrate shall be liable to a fine not exceeding Fifty Pounds or to be imprisoned for any term not exceeding six months.

(4) Where any person is charged with a contravention of the provisions of sub-section (1) of this section, the burden of proving that the discharge of the firearm in respect of which the contravention is alleged to have occurred was a lawful discharge shall lie upon the person asserting the same.

(5) Where any contravention of the provisions of sub-section (1) of this section occurs upon any enclosed premises, the occupier of such premises shall be deemed to have incited the person by whom such contravention was committed to commit such contravention, unless he proves affirmatively that such contravention was committed against his will.

PART V

Licences and Permits

Types of
licences and
permits.

22—Subject to the provisions of section 20 of this Law and of this Part of this Law, the appropriate authority may grant the following licences or permits—

- (a) a Firearm Import Permit authorising the holder thereof during such period as may be specified in the Permit to import into Jamaica from such source as may be so specified such firearms of such type as may be so specified; or
- (b) a Firearm Export Permit authorising the holder thereof during such period as may be specified in the Permit to export from Jamaica to such destination and in such manner such firearms of such type as may be specified in the Permit; or
- (c) a Firearm Transhipment Permit authorising the holder thereof during such period as may be specified in the Permit to tranship from some vessel so specified to some other vessel so specified such firearms of such type as may be so specified; or
- (d) a Firearm Manufacturer's Licence authorising the holder thereof to manufacture in Jamaica at such place as may be specified in the Licence firearms of such type as may be so specified, and to buy and sell

at such place as may be specified in Jamaica firearms of such type as may be so specified (whether manufactured by the holder or not); or

- (e) a Firearm Dealer's Licence authorising the holder thereof to buy or sell or buy and sell at such place as may be specified in the Licence firearms of such type as may be so specified; or
- (f) a Gunsmith's Licence authorising the holder thereof to carry on the business of repairing firearms at such premises as may be specified in the Licence; or
- (g) a Firearm Disposal Permit authorising the holder thereof to dispose of the firearm specified in such Permit; or
- (h) a Firearm User's (General) Permit authorising the holder thereof to be granted a Firearm User's (General) Licence in respect of—
 - (i) if a particular firearm is specified in such Permit, the particular firearm so specified;
or
 - (ii) if no particular firearm is specified in such Permit, the particular firearm specified in the application for such Licence, being a firearm of the type specified in such Permit;
or
- (i) a Firearm User's (Restricted) Permit authorising the holder thereof to be granted a Firearm User's (Restricted) Licence in respect of—
 - (i) if a particular firearm is specified in such Permit, the particular firearm so specified;
or
 - (ii) if no particular firearm is specified in such Permit, the particular firearm specified in the application for such Licence, being a firearm of the type specified in such Permit;
or
- (j) a Firearm User's (General) Licence authorising the holder thereof, subject to the provisions of section 20 of this Law, to be in possession of the firearm specified in such Licence anywhere in Jamaica; or

- (k) a Firearm User's (Restricted) Licence authorising the holder thereof, subject to the provisions of section 20 of this Law, to be in possession of the firearm specified in such Licence—
- (i) upon any premises owned or occupied by the holder thereof and such portion of any public road as passes through any such premises; and
 - (ii) upon such other premises as may be specified in the Licence and such portion of any public road as passes through any premises so specified; or
- (l) a Firearm User's (Special) Permit authorising the holder thereof to be in possession of the firearm specified in such Permit within any area so specified to which the provisions of section 20 of this Law apply upon such occasions as may be so specified.

Applications
for licences
and permits.

23—Every application for any licence or permit under this Law shall—

- (a) be addressed to the appropriate authority; and
- (b) be in the prescribed form; and
- (c) contain the prescribed particulars; and
- (d) be accompanied by the prescribed number (if any) of photographs of the prescribed dimensions of the person to whom the licence or permit applied for is desired to be granted; and
- (e) bear upon it, if so prescribed, a specimen of the signature of the person to whom the licence or permit applied for is desired to be granted; and
- (f) be signed by the applicant; and
- (g) be accompanied by the prescribed application fee (if any) and by such other documents, if any, as may be prescribed.

General pro-
visions as to
grant and
issue of
licences and
permits.

24—(1) Subject to the provisions of section 23 of this Law and of sub-sections (2), (3) and (4) of this section and of section 33 of this Law, the grant of any licence or permit under this Law shall be in the absolute discretion of the appropriate authority.

(2) No licence or permit under this Law shall be granted—

- (a) in relation to any prohibited firearm; or
- (b) to any restricted person,

except with the prior approval of the Governor in Executive Council: Provided that this sub-section shall not apply to the grant to any restricted person of a Firearm Disposal Permit.

(3) No Firearm Dealer's Licence or Gunsmith's Licence shall be granted unless the appropriate authority is satisfied that not less than seven days' notice of the intention to apply for the grant of such Licence or Permit has been given to the Inspector of Police in charge of the parish in which the application is made.

(4) The provisions of sub-section (1) of this section shall not apply to the grant—

- (a) of any Firearm Disposal Permit; or
- (b) of any Firearm User's Licence.

(5) No licence under this Law shall be issued to any person until the appropriate authority is satisfied that the appropriate duty has been paid.

25—(1) Subject to the provisions of section 23 and of sub-section (2) of section 24 and of section 33 of this Law, the appropriate authority, on the application of any person who—

Special provisions relating to grant of Firearm User's Permit.

- (a) is, or is acting with the written consent of, the owner of a particular firearm specified in such application; or
- (b) is desirous of becoming the owner of a firearm of the type so specified,

may, in his absolute discretion, grant to such person either a Firearm User's (General) Permit or a Firearm User's (Restricted) Permit which shall respectively authorise such person to be granted a Firearm User's (General) Licence or a Firearm User's (Restricted) Licence in respect of the particular firearm specified in such Permit, or if no particular firearm is so specified, in respect of the particular firearm specified in the application for such Licence, being a firearm of the type specified in such Permit.

(2) Every Firearm User's (Restricted) Permit shall specify the premises, in addition to any premises vested in or occupied by the holder of such Permit, to which any Firearm User's (Restricted) Licence issued pursuant to the grant of such Permit shall apply.

Special provisions relating to Firearm User's Licence.

26—(1) Subject to the provisions of section 23 and of section 25 of this Law the appropriate authority, on the payment of the appropriate duty and on the surrender to him of any Firearm User's (General) Permit or Firearm User's (Restricted) Permit, shall grant to the holder of such Permit a Firearm User's (General) Licence or a Firearm User's (Restricted) Licence, as the case may be, in respect of the firearm specified in such Permit, or if no firearm is so specified, a firearm of the type specified in such Permit.

(2) Every Firearm User's (Restricted) Licence under this section shall specify the premises specified in the Permit pursuant to which such Licence is granted as being the premises, other than premises owned or occupied by the Licensee, upon which he may be in possession of the firearm to which the Licence relates.

Special provisions relating to Firearm User's (Special) Licence.

27—(1) Subject to the provisions of section 33 of this Law, the appropriate authority on the application of any person who is the holder of a Firearm User's (General) Licence may, in his absolute discretion, grant to such person a Firearm User's (Special) Permit authorising such person during the continuance in force of any Proclamation under section 20 of this Law to carry the firearm in respect of which he is the holder of a Firearm User's (General) Licence in any public place within the area, parish, district, town or village to which such Proclamation applies upon the occasions and subject to the conditions specified in such Permit.

(2) Every Permit under sub-section (1) of this section shall specify the area, parish, district, town or village to which it relates.

28—The appropriate authority, on the application of any person who he is satisfied is the owner or is acting with the authority of the owner of any firearm, shall grant to such applicant a Firearm Disposal Permit authorising the holder thereof within thirty days of the grant of such Permit to give away or to sell, subject to the provisions of this Law, the firearm specified in such Permit.

Special provisions relating to Firearm Disposal Permit.

29—(1) Every licence or permit under this Law shall be in the prescribed form and shall contain the prescribed particulars, and if so prescribed, shall bear upon it a photograph of the prescribed dimensions of the person to whom it is granted and a specimen of the signature of such person.

General provisions as to licences and permits.

(2) Subject to the provisions of sub-section (1) of this section, every licence or permit under this Law shall be subject to the prescribed conditions.

(3) Every licence or permit under this Law—

- (a) in respect of the grant of which the Governor in Executive Council is the appropriate authority; or
- (b) in respect of the grant of which the prior approval of the Governor in Executive Council is required by this Law; or
- (c) which is granted pursuant to any direction of the Governor in Executive Council under section 33 of this Law,

shall be subject to such conditions as the Governor in Executive Council in his absolute discretion may direct to be specified therein.

30—(1) Subject to the provisions of section 32 of this Law, every licence under this Law shall expire on the first day of April next after the day on which it is granted, so, however, that any licence granted in the month of March in any year shall be dated the 1st of April of such year and shall come into force on such day and shall continue in force until the 1st of April of the succeeding year.

Duration of licence or permit.

(2) Subject to the provisions of section 32 of this Law, every permit under this Law, except a Firearm User's (Special) Permit, shall continue in force until the act

authorised to be done by such permit has been done or the expiration of the period specified in such permit, whichever shall first happen.

(3) Subject to the provisions of section 32 of this Law, every Firearm User's (Special) Permit shall continue in force until the revocation or expiration of the Proclamation applying the provisions of section 20 of this Law to the area, parish, district, town or village to which such Permit relates.

Amendment
of licences.

31—(1) Subject to the provisions of section 33 of this Law, the appropriate authority on being satisfied that—

- (a) the holder of any licence or permit under this Law has changed his name or address shall; or
- (b) the owner of any firearm to which any Firearm User's (Restricted) Permit or any Firearm User's (Restricted) Licence relates has ceased to be the owner or the occupier of any premises specified in such Permit or Licence shall; or
- (c) the owner of any such firearm has become the owner or occupier of any premises not specified in such Permit or Licence may, in his absolute discretion,

amend such Licence or Permit in such manner as may be appropriate: Provided that no amendment shall be made to any Firearm User's (Restricted) Licence under this section without the written consent of the Inspector of Police in charge of the parish in which resides the holder of such Licence.

(2) Where the appropriate authority desires to amend any licence or permit under this section, he may give notice in writing to the holder of such licence—

- (a) specifying the nature of the amendment which he desires to make to such licence or permit; and
- (b) requiring the holder thereof to cause such licence or permit to be delivered to him on or before some day (not being less than three days after the receipt by the holder of such notice) specified in such notice for the purpose of such amendment being effected thereto.

(3) Every person on being required so to do by notice under sub-section (1) of this section, fails to cause any licence or permit to be delivered to the appropriate authority, on or before the day specified in such notice shall be guilty of an offence and shall be liable on summary conviction thereof before a Resident Magistrate to a fine not exceeding Ten Pounds or to be imprisoned for any term not exceeding thirty days.

32—(1) Subject to the provisions of section 33 of this Law, and of sub-sections (2) and (3) of this section, the appropriate authority may in his absolute discretion revoke any licence or permit under this Law.

Revocation
of licence.

(2) The appropriate authority shall revoke any Firearm User's Licence upon being required so to do by notice in writing signed by the relevant Inspector of Police.

(3) The relevant Inspector of Police shall, upon being required so to do by any person who he is satisfied is the owner of any firearm in respect of which any Firearm User's Licence has been granted to any other person, require the appropriate authority to revoke such Firearm User's Licence.

(4) Where the appropriate authority revokes any licence or permit under this section, he shall give notice in writing to the holder thereof—

- (a) specifying that he has revoked such licence or permit;
- (b) requiring such person to deliver up such licence or permit to him on or before the day (not being less than three days after the date of the receipt of such notice by such person) specified in such licence.

(5) Every person who on being required so to do under paragraph (b) of sub-section 4 of this section fails to deliver to the appropriate authority such licence or permit on or before the day specified in such notice shall be guilty of an offence and shall be liable on summary conviction thereof before a Resident Magistrate to a fine not exceeding Ten Pounds or to be imprisoned for any term not exceeding thirty days.

(6) In this section the expression "the relevant Inspector of Police" means the Inspector of Police in charge of the parish in which was granted the Firearm User's Permit pursuant to which was obtained the Firearm User's Licence in relation to the revocation of which the expression is used.

Appeals.

33—(1) Subject to the provisions of this section, any aggrieved party may appeal to the Governor in Executive Council against any decision of an appropriate authority—

- (a) refusing to grant any licence or permit under this Law; or
- (b) amending or refusing to amend any licence or permit under this Law; or
- (c) revoking or refusing to revoke any licence or permit under this Law.

(2) Notice of appeal under this section shall be given to the Governor in Executive Council in the prescribed form within twenty-one days of the date on which the aggrieved party first has notice of the decision against which he desires to appeal and shall be accompanied by the prescribed fee.

(3) Every appeal under this section shall be considered by the Governor in Executive Council at such time and in such manner (whether in the presence or in the absence of the aggrieved party) as the Governor in Executive Council may, in his absolute discretion, think fit.

(4) Upon the determination of any appeal under this section the Governor in Executive Council shall give to the appropriate authority against whose decision such appeal is taken such directions as the Governor in Executive Council may, in his absolute discretion, think fit.

(5) In this section the expression "aggrieved party" means the applicant for or the holder of any licence or permit in respect of the refusal to grant, the amendment or the revocation of which any appeal is taken and the owner of the firearm to which such application, licence or permit relates.

(6) The provisions of this section shall not apply to any licence or permit—

- (a) the appropriate authority for the grant of which is the Governor in Executive Council; or
- (b) the grant of which is subject under this Law to the prior approval of the Governor in Executive Council.

34—(1) The appropriate authority for the grant, amendment or revocation of any Firearm Manufacturer's Licence shall be the Governor in Executive Council.

Appropriate authority.

(2) The appropriate authority for the grant, amendment or revocation of any Firearm Dealer's Licence, or any Gunsmith's Licence shall be the Resident Magistrate for the parish in which the applicant for such licence desires to carry on business as a firearm dealer or a gunsmith.

(3) The appropriate authority for the grant, amendment or revocation of any Firearm Import Permit, or Firearm Export Permit, or Firearm User's (Special) Permit shall be the Commissioner of Police, or in the case of any Firearm Special Permit an Inspector of Police authorised in writing in that behalf by the Commissioner of Police.

(4) The appropriate authority for the grant, amendment or revocation of any Firearm Transhipment Permit shall be the Collector General of Customs.

(5) The appropriate authority for the grant, amendment or revocation of any Firearm User's Licence shall be the Collector of Taxes for the parish in which resides the applicant for such licence.

(6) The appropriate authority for the grant, amendment or revocation of any permit not specified in subsections (1) to (5) (both inclusive) of this section shall be the Inspector of Police in charge of the parish in which the applicant for such permit resides.

PART VI

Power of Search and to Obtain Information

35—Any Constable may at any time during which any premises upon which any person carries on business as a manufacturer of firearms or as a dealer in firearms or as a

Further power of inspection.

gunsmith are open for business enter such premises for the purpose of inspecting any records required to be kept by such person under this Law and of verifying the accuracy of such records by inspecting or taking a inventory of the stock of firearms possessed by such person or otherwise.

Power of
Constable to
require pro-
duction of
Firearm
User's
Licence.

36—(1) Any Constable who sees any person carrying any firearm in any public place may require such person to produce to him his Firearm User's Licence in relation to such firearm and if such place is within any area to which the provisions of section 20 of this Law apply to produce his special permit in relation to such firearm.

(2) Every person who upon being required so to do fails to produce either of the documents referred to in subsection (1) of this section or to permit the Constable to inspect such documents and to examine the firearm to which such documents relate for the purpose of verifying the particulars in such documents shall be guilty of an offence and shall on summary conviction thereof before a Resident Magistrate be liable to a fine not exceeding Ten Pounds or to be imprisoned for any term not exceeding thirty days.

Further pro-
visions relat-
ing to
production
Firearm
User's
Licence.

37—(1) Where any Constable suspects that any person is carrying any firearm concealed about his person he may—

- (a) ask such person if he is carrying such firearm; and
- (b) if such person admits that he is carrying such firearm require such person to produce such firearm and his Firearm User's Licence in respect thereof and if the place in which such person is carrying such firearm and if such place is within any area to which the provisions of section 20 of this Law applies to produce his special permit in relation to such firearm.

(2) If any person denies that he is carrying any firearm about his person the Constable may require such person to accompany him to a Police Station or to a Justice of the Peace for the purpose of being searched with a view to ascertaining if he is carrying any firearm about his person.

(3) Every person who upon being required so to do under this section fails to produce any firearm which he admits he is carrying concealed about his person or to produce either of the documents referred to in this section in relation to such firearm or to accompany any Constable to a Police Station or to a Justice of the Peace for the purpose of being searched under this section shall be guilty of an offence and shall upon summary conviction thereof before a Resident Magistrate be liable to a fine not exceeding Ten Pounds or to be imprisoned for any term not exceeding thirty days.

38—Every Justice of the Peace may on being satisfied by information upon oath that there is reasonable cause to believe that any person is in possession of any firearm in contravention of this Law and that such firearm is in any place specified in such information may grant a search warrant in the prescribed form authorising the person to whom such warrant is addressed to enter such place (using force to effect entry thereof if entry cannot otherwise be effected) for the purpose of searching for such firearms.

Search
warrants.

PART VII

Financial and Miscellaneous

39—(1) Subject to the provisions of sub-sections (2) and (3) of this section, the appropriate duty—

Appropriate
duty.

(a) on every Firearm Manufacturer's Licence, shall be Five Hundred Pounds; and

(b) on every Firearm Dealer's Licence, shall be Twenty-five Pounds; and

(c) on every Gunsmith's Licence, shall be Five Pounds; and

(d) on every Firearm User's (General) Licence, in respect of—

(i) a pistol, Two Pounds; or

(ii) any other firearm, One Pound;

(e) on any Firearm User's (Restricted) Licence, in respect of—

(i) a pistol, One Pound; or

(ii) any other firearm, Ten Shillings.

(2) Notwithstanding anything to the contrary, no licence duty shall be payable—

- (a) by the member of any rifle club recognised by the Governor in Executive Council in respect of a Firearm User's Licence in relation to any rifle pistol, air gun, air rifle or air pistol;
- (b) by the owner of any rifle in respect of which the prescribed authority certifies that such rifle is ordinarily used in the training of members of the Army and Air Cadet Force, constituted under the Army and Air Cadet Force Law, 1948;
- (c) by the owner of any firearm to which the provisions of sub-section (3) of this section apply.

(3) The provisions of this section apply to any firearm in respect of which the Inspector of Police in charge of the parish in which the owner of such firearm resides certifies that he is satisfied that such firearm is of an obsolete type and is not intended by the owner to be used by himself or by any other persons.

**Custody of
firearms.**

40—(1) Every person who comes into possession of any firearm in the circumstances specified in paragraph (d) of sub-section (2) of section 18 of this Law shall, within thirty days of coming into possession of such firearm, unless he has obtained a Firearm User's Licence in respect of such firearm within such period, deliver such firearm to the sub-officer in charge of the Police Station nearest to the place at which he comes into possession of such firearm together with a written statement as to the date on which, and the circumstances in which he came into possession of such firearm.

(2) Where any holder of any Firearm User's Licence is about to leave Jamaica and does not desire to take the firearm to which such licence relates with him, he shall before leaving Jamaica deliver such firearm either—

- (a) to some person who is the holder of a Firearm User's Licence in respect of such firearm; or
- (b) to the sub-officer in charge of the Police Station nearest to the place at which he is ordinarily resident; or

- (c) with the written approval of an Inspector of Police to some holder of a firearm user's (general) licence in respect of a firearm of similar type to such firearm, such person being specified in such approval.

(3) Every person who contravenes the provisions of sub-section (1) or of sub-section (2) of this section, shall be guilty of an offence and shall be liable on summary conviction thereof before a Resident Magistrate to a fine not exceeding Ten Pounds or to be imprisoned for any term not exceeding one month.

(4) Every firearm received at any Police Station under this section shall—

- (a) on the production of any person of a Firearm User's Licence granted to him in relation to such firearm either before or after the date on which such firearm was received at such Police Station, be delivered to such person; or
- (b) if not delivered to any person in accordance with the provisions of paragraph (a) of this sub-section within twelve months of the date on which it was received at such Police Station, shall be forfeited to the Crown.

41—Where any person is convicted of any offence under this Law in relation to— Forfeiture
of firearms

- (a) the manufacture, importation, exportation, purchase, sale or alteration of any firearm; or
- (b) the possession or use of any firearm in respect of which he is not the holder of a Licence under this Law; or
- (c) the possession in any area to which the provisions of section 20 of this Law apply of any firearm otherwise than in accordance with the terms of a firearm user's (special) permit

such firearm shall be forfeited to the Crown unless the Court by whom such person is convicted

- (i) is satisfied that such person was, at the time of the commission of such offence, not the owner and not

acting with the authority of the owner of such firearm; and

(ii) directs that such firearm shall not be so forfeited.

Carrying
firearms in
parts.

42—Where any firearm is carried in parts by two or more persons in company, each of such persons shall be deemed to carry a firearm.

Regulations.

43—(1) The Governor in Executive Council may make regulations for the better carrying out of this Law, and in particular, but without prejudice to the generality of the foregoing, for prescribing anything required or permitted by this Law to be prescribed.

(2) Any regulation made under this section shall come into force on publication in the Jamaica Gazette.

(3) Any regulation made under this section shall, as soon as may be after it is made, be laid on the table of the House of Representatives, and if the House of Representatives within a period of thirty days beginning with the day on which such regulation is laid on the table, resolves that the regulation be annulled it shall thereupon become void, without prejudice, however, to the validity of anything previously done thereunder, or to the making of a new regulation. In reckoning any such period of thirty days no account shall be taken of any time during which the House of Representatives has dissolved, or prorogued, or has adjourned for more than four days.

44—The provisions of this Law shall not apply—

- (a) to any firearm the property of His Majesty or the Government of this Island or the Government of the United States of America except at a time when such firearm is in the possession of some person other than a person authorised by or on behalf of His Majesty or the Government of this Island or the Government of the United States of America, as the case may be, to be in possession of such firearm; or
- (b) to any firearm forming part of the equipment of any ship or aircraft or of any aerodrome at any time when such firearm is on board of such ship

or aircraft or at such aerodrome, as the case may be; or

- (c) to any humane killer the property of the Kingston and St. Andrew Corporation or of any Parochial Board or of the Jamaica Society for the Prevention of Cruelty to Animals or of any prescribed person; or
- (d) to any member of the armed forces of His Majesty, or of the Jamaica Constabulary Force, or of the Army and Air Cadet Force constituted under the Army and Air Cadet Force Law, 1948, or of the armed forces of the United States of America, in respect of any firearm in his possession in his capacity as a member of the armed forces of His Majesty, or of the Army and Air Cadet Force, or of the Jamaica Constabulary Force or of the armed forces of the United States of America, as the case may be; or
- (e) to any officer or member of the crew of any ship or aircraft or any employee at any aerodrome in respect of his possession on board of such ship or aircraft or at such aerodrome, and in his capacity as an officer or member of the crew of such ship or aircraft or an employee of such aerodrome, as the case may be, of any firearm referred to in paragraph (b) of this section; or
- (f) to any employee of the Kingston and St. Andrew Corporation or any Parochial Board or the Jamaica Society for the Prevention of Cruelty to Animals or of any prescribed person in respect of his possession in his capacity as such employee of any humane killer; or
- (g) to any firearm forming part of any collection owned by the Institute of Jamaica for museum purposes.

45—(1) The Gunpowder and Firearms Law is hereby amended in the respects set out in the Schedule hereto.

Amendment
of Gun-
powder and
Firearms

Law, Cap.
285.
Cap. 197.

(2) The Schedule to the Stamp Duty Law is hereby amended by the deletion from the item headed "Licences" of the following words—

"On every annual licence to retail fire-arms 4 0 0".

Inaugural
provisions.

46—(1) Where any person is in possession of any firearm immediately before the enactment of this Law and is not the holder of a Licence under the Gunpowder and Firearms Law in respect of such firearm such person shall not be liable to be prosecuted for the contravention of the provisions of the Gunpowder and Firearms Law by reason only of his possession of such firearm if he surrenders such firearm to a Police Station before either—

- (a) proceedings are instituted against him in respect of his possession of such firearm; or
- (b) the commencement of this Law whichever shall be the earlier.

(2) This section shall come into operation forthwith.

Further
inaugural
provisions.

47—(1) Notwithstanding anything to the contrary, any application for any licence or permit under this Law may be made, and any such licence or permit may be granted in the month of March in the year 1948, so, however, that any licence or permit so granted shall be dated the 1st day of April, 1948, and shall come into operation of such date.

(2) The provisions of this section shall come into operation forthwith.

SCHEDULE

Long Title.	By the deletion of the word "Firearms" and the substitution therefor of the word "Explosives".
Short Title.	By the deletion of the word "Firearms" and the substitution therefor of the word "Explosives".
Part I. Heading.	"Licence to deal in Gunpowder and Firearms".
Section 2.	By the deletion from the definition of the words "Firearms".
	By the deletion from the heading "Licence to deal in Gunpowder and Firearms" of the words "and Firearms".
Section 4.	By the deletion of the words "or firearms of any description."
Section 5.	By the deletion of the words "or firearms" "
Section 9.	By the deletion of all the words coming after the word "Pounds".
Section 10.	By the deletion of the words "or firearms".
Section 19.	By the deletion of the entire section.
Section 20.	By the deletion of the entire section.
Section 21.	By the deletion of the entire section.
Section 22.	By the deletion of the entire section.
Section 23.	By the deletion of the entire section.
Section 25.	By the deletion of the entire section.
Section 26.	By the deletion of the word "firearms" wherever that word appears.
Section 31.	By the deletion of the entire section.
Section 32.	By the deletion of the entire section.
Section 33.	By the deletion of the entire section.
Section 34.	By the deletion of the entire section.
Schedule.	By the deletion of Form B—Form of Licence to deal in Firearms.
Schedule.	By the deletion from Form C of the words "and firearms" and of the words "or firearms" and of the words "as the case may be" wherever those words occur.

JAMAICA

No. 9--1948

I assent,

[L.S.]

D. C. MACGILLIVRAY,

Acting Governor.

29th April, 1948

A LAW to Extend Further the Operation of the United States Bases (Agreement) Law, 1941.

[30th April, 1948]

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1—This Law may be cited as the United States Bases (Agreement) (Amendment) Law, 1948, and shall be read and construed as one with the United States Bases (Agreement) Law, 1941 (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and con-
struction.
Law 76 of
1941.

Repeal and
replacement
of section 4
of principal
Law.
Law 21 of
1947.

2—Section 4 of the principal Law (as inserted therein by the United States Bases (Agreement) (Amendment) Law, 1947) is hereby repealed and the following section substituted therefor—

“Duration
of Law.

4—This Law shall remain in force until the 1st day of May, 1949.”

JAMAICA

No. 10—1948

I assent,

[L.S.]

D. C. MACGILLIVRAY,

Acting Governor.

27th May, 1948.

A LAW to Continue further the Operation of the Public Meetings Law, 1939.

[3rd June, 1948]

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1—This Law may be cited as the Public Meetings (Amendment) Law, 1948, and shall be read and construed as one with the Public Meetings Law, 1939 (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and
construction.
Law 27 of
1939.

Amendment
of section 10
of principal
Law.
Law 14 of
1946.

2—Section 10 of the principal Law (inserted therein by the Public Meetings (Amendment) Law, 1946) is hereby repealed and the following section substituted therefor—

"Duration
of Law.

10—This Law shall remain in force until the 31st day of December, 1951."

No. 11--1948

I assent,

[L.S.]

D. C. MACGILLIVRAY,

Acting Governor

11th June, 1948

A LAW to apply a sum of money for the service of the year
ending on the 31st day of March, 1949.

[14th June, 1948]

WHEREAS of the amount of nine million five hundred Preamble.
and thirty-seven thousand six hundred and four
pounds required for the service of the Civil Govern-
ment of the Island of Jamaica and for other purposes, for
the financial year ending on the 31st day of March, one
thousand nine hundred and forty-nine, the sum of eighty-
seven thousand seven hundred and three pounds has been
provided for by Law, and it is now requisite to make a
further provision of nine million four hundred and forty-
nine thousand nine hundred and one pounds.

ENACTED by the Governor of Jamaica with the advice and
consent of the Legislative Council and House of Repre-
sentatives.

1—This Law may be cited as the Appropriation Law, Short title.
1948.

Expenditure
authorised.

2—The Financial Secretary and Treasurer shall, on the warrant of the Governor, pay a sum not exceeding in the aggregate nine million four hundred and forty-nine thousand nine hundred and one pounds for defraying the several charges and expenses of the Civil Government of the Island, and for other purposes, for the financial year ending on the 31st day of March, one thousand nine hundred and forty-nine, as set forth in the First Schedule to this Law, and such sum is hereby charged upon the revenues and funds of the Island.

Railway
Expenditure.

3—The General Manager of the Jamaica Government Railway shall on the warrant of the Governor, pay a sum not exceeding in the aggregate five hundred and thirty-four thousand one hundred and eighty-three pounds for defraying the several charges and expenses of the Jamaica Government Railway (not provided for by any other Law), for the financial year ending on the 31st day of March, one thousand nine hundred and forty-nine, as set forth in the Second Schedule to this Law, and such sum is hereby charged upon the revenues and other funds of the Jamaica Government Railway.

Civil
Aviation
Expenditure.

4—The Director of Civil Aviation shall, on the warrant of the Governor, pay a sum not exceeding in the aggregate sixty-two thousand and sixty-two pounds for defraying the several charges and expenses in connection with Civil Aviation at the Palisadoes Airport (not provided for by any other Law), for the financial year ending on the 31st day of March, one thousand nine hundred and forty-nine, as set forth in the Third Schedule to this Law, and such sum is hereby charged upon the revenues and other funds of the Palisadoes Airport.

FIRST SCHEDULE

	£
Public Debt Charges	723,669
His Excellency the Governor and Staff	4,606
Legislature	44,296
Administrator General	19,949
Agriculture—Part I	290,070
Agriculture—Part II	96,782
Agricultural Loan Societies Board	30,811
Attorney General	9,355
Audit	27,311
Bankruptcy	4,557
Board of Supervision	4,281
Broadcasting	7,117
Central Bureau of Statistics	7,488
Collector General—Part I	236,049
Collector General—Part II	100,100
Commerce and Industries	27,077
Crown Solicitor	4,864
Currency	6,198
Defence	49,046
Education	910,841
Forests	33,564
Government Chemist	9,216
Harbours	9,030
Housing	141,603
Immigration Department	—
Imperial Forces Allowances	25,160
Income Tax and Stamp Duties	53,374
Industrial School	38,192
Labour	23,079
Lands	103,051
Local Forces	7,824
Marine Board	864
Medical	781,733
Mental Hospital	142,845
Miscellaneous—Part I	107,110
Miscellaneous—Part II	876,700
Pensions	185,690
Pensions of Widows and Orphans	24,801
Police	576,172
Post and Telegraphs	319,732
Printing Office	70,394
Prisons	149,105
Railway—Deficit	216,183
Registrar General and Island Record Office	14,588
Registration of Titles	7,656
Rehabilitation	81,950
Resident Magistrates' Courts	62,292
Savings Bank	41,191
Secretariat	40,929
Social Services	87,658
Subventions	702,481
Supreme Court	17,554

Carried forward £7,506,138

FIRST SCHEDULE—(contd.).

	Brought forward	£
Survey	£7,506,138
Traffic Authority	40,278
Treasury	11,848
Public Works Department	37,698
Public Works Recurrent	153,177
Rio Cobre Canal	680,159
Public Works Extraordinary	10,810
Civil Aviation Department	759,739
Prices Stabilization	60,462
Loans and Long Term Advances	174,130
		15,967
Total		£9,449,901

SECOND SCHEDULE

	£
Management, Accounts, Audit and Stores—Abstract A	26,023
Miscellaneous Services—Abstract B	19,855
Engineering Branch—Abstract C	126,706
Locomotive, Carriage and Wagon Branch—Abstract D	176,754
Traffic Branch—Abstract E	97,985
Special Expenditure—Abstract F	1,600
Renewals Expenditure—Abstract G	8,500
Interest Charges—Abstract H	54,143
Wharf Expenditure—Abstract I	22,617
Total	£534,183

THIRD SCHEDULE

	£
General Charges—Abstract A	35,407
Field Services—Abstract B	17,055
Special Expenditure—Abstract C	9,600
Total	£62,062

JAMAICA

No. 12--1948

I assent,

[L.S.]

D. C. MacGILLIVRAY,

Acting Governor,

19th July, 1948

A LAW to Amend the Administration of Criminal Justice
Law.

[29th July, 1948]

ENACTED by the Governor of Jamaica with the advice
and consent of the Legislative Council and House of
Representatives.

1—This Law may be cited as the Administration of
Criminal Justice (Amendment) Law, 1948, and shall be
read and construed as one with the Administration of
Criminal Justice Law (hereinafter referred to as the prin-
cipal Law) and all amendments thereto.

Short title
and con-
struction.
Cap. 470.

2—The principal Law is hereby amended by the insertion
of the following section as section 4A—

Insertion of
new section
as section
4A.

"Persons
committed
for trial to
be brought
for trial not
later than
the second
Circuit after
their
commitment.

4A—Subject to the provisions of sections 3 and 4 of this Law, every person who is committed for trial before any Circuit Court shall be brought before the Court for trial not later than the second Circuit held at the place to which such person is committed for trial after such person is so committed unless the Court or a Judge otherwise orders."

No. 13—1948

I assent,

[L.S.]

D. C. MACGILLIVRAY,

Acting Governor,

19th July, 1948

A LAW to Provide for the Punishment of Incest.

[29th July, 1948]

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1—This Law may be cited as the Punishment of Incest, Short title.
Law, 1948.

2—(1) Any male person who has carnal knowledge of a female person, who is to his knowledge his grand-daughter, daughter, sister, or mother, shall be guilty of a misdemeanour and on conviction thereof before a Circuit Court liable to imprisonment with hard labour for any term not exceeding five years, or if it is alleged in the indictment for such offence and proved that the female person is under the age of twelve years to imprisonment with **hard labour** for any term not exceeding ten years.

Incest by
male.

(2) It is immaterial that the carnal knowledge was had with the consent of the female person.

(3) If any male person attempts to commit any offence to which sub-section (1) of this section relates, he shall be guilty of a misdemeanour, and upon conviction thereof shall be liable to imprisonment with hard labour for any term not exceeding two years.

(4) On the conviction before any Court of any male person of an offence under sub-section (1) or sub-section (3) of this section against any female under twenty-one years of age, it shall be in the power of the Court to divest the offender of all authority over such female, and, if the offender is the guardian of such female, to remove the offender from such guardianship, and in any such case to appoint any person or persons to be the guardian or guardians of such female during her minority or any less period: Provided that the Supreme Court of Judicature of Jamaica may at any time vary or rescind the order by the appointment of any other person as such guardian, or in any other respect.

Incest by
females of or
over sixteen.

3—Any female person of or above the age of sixteen years who with consent permits her grand-father, father, brother, or son, to have carnal knowledge of her (knowing him to be her grand-father, father, brother, or son, as the case may be) shall be guilty of a misdemeanour and on conviction thereof before a Circuit Court shall be liable to imprisonment with hard labour for any term not exceeding five years.

Test of
relationship.

4—In this Law the expressions "brother" and "sister", respectively, include half-brother and half-sister, and the provisions of this Law shall apply whether the relationship between the person charged with an offence under this Law and the person with whom the offence is alleged to have been committed is or is not traced through lawful wedlock.

Prosecution
of offences.

5—(1) If, on the trial of any indictment for rape, the jury are satisfied that the defendant is guilty of an offence under this Law, but are not satisfied that the defendant is

guilty of rape, the jury may acquit the defendant of rape and find him guilty of an offence under this Law, and he shall be liable to be punished accordingly.

(2) If, on the trial of any indictment for an offence under this Law, the jury are satisfied that the defendant is guilty of any offence under section 42 or sub-section (1) of section 43 or section 45 of the Offences against the Person Law, but are not satisfied that the defendant is guilty of an offence under this Law, the jury may acquit the defendant of an offence under this Law and find him guilty of an offence under section 42 or sub-section (1) of section 43 or section 45 of the Offences against the Person Law, and he shall be liable to be punished accordingly. Cap. 416.

(3) The wife or husband of a person charged with an offence against this Law may be called as a witness either for the prosecution or defence and without the consent of the accused.

6—This Law shall apply to the Turks and Caicos Islands and to the Cayman Islands as it applies to Jamaica subject to the modification that— Application
to Depend-
encies.

- (1) in relation to the Turks and Caicos Islands it shall take effect as if there were substituted for references to the Supreme Court of Judicature of Jamaica or to a Circuit Court a reference to "the Supreme Court of the Turks and Caicos Islands"; and
- (2) in relation to the Cayman Islands it shall take effect as if there were substituted for references to the Supreme Court of Judicature of Jamaica or to a Circuit Court a reference to "the Grand Court of the Cayman Islands".

JAMAICA

No. 14—1948

I assent,

[L.S.]

D. C. MacGILLIVRAY,

Acting Governor,

19th July, 1948

A LAW to Amend the Aliens Law, 1945

[29th July, 1948]

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1—This Law may be cited as the Aliens (Amendment) Law, 1948, and shall be read and construed as one with the Aliens Law, 1945, hereinafter referred to as the principal Law.

Short title
and
construction.
Law 34 of
1945.

2—Section 22 of the principal Law is hereby amended in the following respects:—

Amendment
of section 22
of principal
Law.

- (a) by renumbering the section as sub-section (1) of the section; and

- (b) by the insertion after sub-section (1) of the section of the following sub-section as sub-section (2):—

“(2) Without prejudice to the generality of the power conferred by sub-section (1) of this section, regulations may be made under this section authorising the taking in relation to any alien who is in custody of all such steps as may be necessary for photographing, measuring, taking the finger-prints of, or otherwise identifying, that person in such manner as may be provided by the regulations.”

No. 15—1948

I assent,

[L.S.]

D. C. MACGILLIVRAY,

Acting Governor,

19th July, 1948

A LAW to make provision as to the immunities, privileges and capacities of international organisations of which His Majesty's Government in the United Kingdom and foreign governments are members; to confer immunities and privileges on the staffs of such organisations and representatives of member governments and in respect of premises and documents of such organisations; to remove doubts as to the extent to which representatives of foreign Powers attending international conferences and the staffs of such representatives are entitled to diplomatic immunities; and for purposes connected with the matters aforesaid.

[29th July, 1948]

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1.—This Law may be cited as the Diplomatic Privileges (Extension) Law, 1948. Short title.

Application
to United
Nations.

2—In the application of this Law to the United Nations—

- (a) any reference to the governing body or any committee of the organisation shall be construed as referring to the General Assembly or any council or other organ of the United Nations; and
- (b) the powers conferred by sub-section (2) of section 3 of this Law shall include power by order to confer on the judges and registrars of the International Court, and on suitors to that Court and their agents, counsel and advocates, such immunities, privileges and facilities as may be required to give effect to any resolution of or convention approved by the General Assembly of the United Nations.

Privileges,
immunities
and
capacities of
certain
international
organisations
and their
staffs.

3—(1) This section shall apply to any organisation declared by the Governor in Executive Council to be an organisation of which His Majesty's Government in the United Kingdom and the government or governments of one or more foreign sovereign Powers are members.

(2) The Governor in Executive Council may by order—

- (a) provide that any organisation to which this section applies (hereinafter referred to as "the organisation") shall, to such extent as may be specified in the order, have the immunities and privileges set out in Part I of the Schedule to this Law, and shall also have the legal capacities of a body corporate;
- (b) confer upon such number of officers of the organisation as may be specified in the order, being the holders of such high offices in the organisation as may be specified in the order, and upon such persons employed on missions on behalf of the organisation as may be specified, and upon any person who is the representative of a member government on the governing body or any committee of the organisation, to such extent as may be so specified, the immunities and privileges set out in Part II of the Schedule to this Law;

- (c) confer upon such other classes of officers and servants of the organisation as may be specified in the order, to such extent as may be so specified, the immunities and privileges set out in Part III of the Schedule to this Law;

and Part IV of the Schedule to this Law shall have effect for the purpose of extending to the staffs of representatives of member governments and to the families of officers of the organisation any immunities and privileges conferred on the representatives or officers under paragraph (b) of this sub-section, except in so far as the operation of the said Part IV is excluded by the order conferring the immunities and privileges.

(3) Where immunities and privileges are conferred on any persons by an order made under sub-section (2) of this section the Colonial Secretary—

- (a) shall compile a list of the persons entitled to immunities and privileges conferred under paragraph (b) of that sub-section, and may compile a list of the persons entitled to immunities and privileges conferred under paragraph (c) of that sub-section;
- (b) shall cause any list compiled under this sub-section to be published in the Gazette; and
- (c) whenever any person ceases or begins to be entitled to the immunities and privileges to which any such list relates, shall amend the list and cause a notice of the amendment, or, if he thinks fit, an amended list, to be published as aforesaid.

(4) Every list or notice published under sub-section (3) of this section shall state the date from which the list or amendment takes or took effect; and the fact that any person is or was included or not included at any time among the persons entitled to the immunities and privileges in question may, if a list of those persons has been so published, be conclusively proved by producing the Gazette containing the

list, or, as the case may be, the last list taking effect before that time, together with the Gazettes (if any) containing notices of the amendments taking effect before that time, and by showing that the name of that person is or was at that time included or not included in the said list.

Provisions as
to orders.

4—(1) Every order made under sub-section (1) or sub-section (2) of section 3 of this Law shall be laid as soon as may be before the Legislative Council and the House of Representatives, and if an address is presented to the Governor by either the Legislative Council or the House of Representatives, within the period of forty days beginning with the day on which any such order is laid before it, praying that the order be annulled, the Governor in Executive Council may annul the order and it shall thereupon cease to have effect, but without prejudice to the validity of anything done thereunder in the meantime or to the making of a new order.

(2) In reckoning the said period of forty days, no account shall be taken of any time during which the Legislative Council or House of Representatives is dissolved or prorogued, or during which both the Legislative Council and the House of Representatives are adjourned for more than four days.

Diplomatic
immunities
of represen-
tatives
attending
international
conferences.

5—(1) Where a conference is held in this Island and is attended by the representatives of His Majesty's Government in the United Kingdom and the government or governments of one or more foreign sovereign Powers, and it appears to the Colonial Secretary that doubts may arise as to the extent to which the representatives of such foreign Powers and members of their official staffs are entitled to diplomatic immunities, he may—

- (a) compile a list of the persons aforesaid who are entitled to such immunities, and cause that list to be published in the Gazette; and
- (b) whenever it appears to the Colonial Secretary that any person ceases or begins to be entitled to such immunities, amend the list and cause a notice of amendment or, if he thinks fit, an amended list, to be published as aforesaid;

and every representative of a foreign Power who is for the time being included in the list shall, for the purpose of any enactment and rule of law or custom relating to the immunities of an envoy of a foreign Power accredited to His Majesty, and of the retinue of such an envoy, be treated as if he were such an envoy, and such of the members of his official staff as are for the time being included in the list shall be treated for the purpose aforesaid as if they were his retinue.

(2) Every list or notice published under sub-section (1) of this section in relation to any conference shall include a statement of the date from which the list or amendment takes or took effect; and the fact that any person is or was included or not included at any time among the persons entitled to diplomatic immunities as representatives attending the conference or as members of the official staff of any such representative may, if a list of those persons has been so published be conclusively proved by producing the Gazette containing the list or, as the case may be, the last list taking effect before that time, together with the Gazettes (if any) containing notices of the amendments taking effect before that time, and by showing that the name of that person is or was at that time included or not included in the said list.

6—Nothing in the foregoing provisions of this Law shall be construed as precluding the Governor in Executive Council from declining to accord immunities or privileges to, or from withdrawing immunities or privileges from, nationals or representatives of any Power on the ground that that Power is failing to accord corresponding immunities or privileges to British nationals or representatives.

Reciprocal
treatment.

7—This Law shall apply to the Dependencies and in its application to the Dependencies it shall be construed as if for the words “this Island” there were substituted therefor the words “the Turks and Caicos Islands” or “the Cayman Islands”, as the case may be.

Application
to
Dependencies

Section 8.

SCHEDULE

PART I

Immunities and privileges of the organisation

1. Immunity from suit and legal process.
2. The like inviolability of official archives and premises occupied as offices as is accorded in respect of the official archives and premises of an envoy of a foreign sovereign Power accredited to His Majesty.
3. The like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a foreign sovereign Power.
4. Exemption from taxes on the importation of goods directly imported by the organisation for its official use in this Island or for exportation or on the importation of any publications of the organisation directly imported by it such exemption to be subject to compliance with such conditions as the Governor in Executive Council may prescribe for the protection of the Revenue.
5. Exemption from prohibitions and restrictions on importation in the case of goods directly imported or exported by the organisation for its official use and in the case of any publications of the organisation directly imported or exported by it.
6. The right to avail itself, for telegraphic communications sent by it and containing only matters intended for publication by the press or for broadcasting (including communications addressed to or despatched from places outside this Island), of any reduced rates applicable for the corresponding service in the case of press telegrams.

PART II

Immunities and privileges of high officers and government representatives.

1. The like immunity from suit and legal process as is accorded to an envoy of a foreign sovereign Power accredited to His Majesty.
2. The like inviolability of residence as is accorded to such an envoy.
3. The like exemption or relief from taxes as is accorded to such an envoy.

PART III

Immunities and privileges of other officers and servants

1. Immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of official duties.
2. Exemption from income tax in respect of emoluments received as an officer or servant of the organisation.

PART IV

Immunities and privileges of representative's staff and of high officer's family

1. Where any person is entitled to any such immunities and privileges as are mentioned in Part II of this Schedule as the representative of a member government, his official staff accompanying him as such a representative shall also be entitled to those immunities and privileges to the same extent as the retinue of an envoy of a foreign sovereign Power accredited to His Majesty is entitled to the immunities and privileges accorded to the envoy.
2. Where any person is entitled to any such immunities and privileges as are mentioned in Part II of this Schedule as an officer of the organisation, that person's wife or husband and children under the age of twenty-one shall also be entitled to those immunities and privileges to the same extent as the wife or husband and children of an envoy of a foreign sovereign Power accredited to His Majesty are entitled to the immunities and privileges accorded to the envoy.

No. 16—1948

I assent,

[L.S.]

D. C. MACGILLIVRAY,

Acting Governor,

19th July, 1948

A LAW to Empower the Supreme Court of Judicature of Jamaica to Grant Probate and Administration to a Trust Corporation.

[29th July, 1948]

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1—This Law may be cited as the Judicature (Trust Corporations) Law, 1948. Short title.

2—In this Law—

“corporation” means any body corporate incorporated by Royal Charter, Act of Parliament or by or under any instrument having the force of Law in the United Kingdom of Great Britain and Northern Ireland or any part of His Majesty’s Dominions, Colonies, Protectorates, Protected States or Mandated Territories.

Interpretation.

Constitution
of trust
corporations.

3—The Governor in Executive Council on the application of any corporation carrying on business in Jamaica, if he is satisfied that under the instrument whereby such corporation is incorporated or any instrument whereby the powers of such corporation are defined such corporation is authorised to act as an executor of the will of any deceased person or as administrator of the estate of any deceased person or as a trustee of any settlement whether constituted by any testamentary instrument or otherwise, may in his absolute discretion by order declare such corporation to be a trust corporation for the purposes of this Law.

Probate and
letters of
administra-
tion may be
granted to
trust corpora-
tions.

4—(1) The Supreme Court of Judicature of Jamaica may—

- (a) where a trust corporation is named in any testamentary instrument as the executor of any deceased person, whether alone or jointly with any other person, grant probate to such corporation either solely or jointly with some other person, as the case may require; and
- (b) on the application of any trust corporation, grant to such corporation, either solely or jointly with any other person, letters of administration to the estate of any deceased person.

(2) Where probate or letters of administration are granted to any trust corporation under the provisions of sub-section (1) of this section either solely or jointly with any other person, such corporation may act as executor or administrator, as the case may be, as if such trust corporation were an individual.

Officers of
trust corpora-
tions to act
on behalf of
such corpora-
tions.

5—Any officer of any trust corporation, if authorised so to do by such corporation or the directors or governing body of such corporation, may on behalf of the corporation, swear affidavits, give security and do any other act or thing required by the Court to be done with a view to the grant to the corporation of probate or administration and any act so done by any officer of such corporation shall for all purposes be deemed to be the act of the corporation.

6—After the commencement of this Law probate or administration shall not be granted to any syndic or nominee on behalf of a trust corporation.

Probate and administration not to be granted to syndics on behalf of trust corporation.

7—Where any interest in any estate is vested in a syndic on behalf of any corporation acting as the personal representative of a deceased person and such corporation becomes a trust corporation, such interest shall, except as otherwise provided in sub-section (2) of this section, be deemed to vest in such corporation on the day on which it becomes a trust corporation.

Vesting of interest in trust corporations.

(2) Sub-section (1) of this section shall not apply to any securities registered in the name of a syndic or to any land or to any encumbrances upon land registered under the Registration of Titles Law in the name of a syndic.

Cap. 353.

(3) Where any securities are registered in the name of, or any land or encumbrances thereon are registered under the Registration of Titles Law in the name of, a syndic on behalf of a corporation acting as the personal representative of a deceased person and such corporation becomes a trust corporation, such syndic shall forthwith do all such acts as may be necessary to transfer such securities, land or encumbrances thereon, as the case may be, to such trust corporation or to such person as such trust corporation may direct.

Cap. 353.

(4) Where by virtue of the provisions of sub-section (1) of this section any interest in any estate is deemed to vest in any trust corporation, or pursuant to the provisions of sub-section (3) of this section any securities, land or encumbrances upon land are transferred to any trust corporation, such trust corporation shall indemnify the syndic in whom such interest, securities, land or encumbrances upon land, as the case may be, were vested immediately before they were deemed to vest or were transferred by the syndic to such trust corporation.

8—For the avoidance of doubt it is hereby declared—

Application of Law.

(a) that the provisions of this Law shall apply to the estates of deceased persons who died before the

commencement of this Law as it applies to the estates of such persons who die after the commencement of this Law; and

- (b) that the vesting or the transfer of any interest in any estate or of any securities, land or encumbrances upon land pursuant to the provisions of this Law shall not be deemed to constitute a breach of any covenant or of any condition against alienation or to give rise to any forfeiture.

No. 17—1948

I assent,

[L.S.]

D. C. MACGILLIVRAY,

Acting Governor,

19th July, 1948

A LAW to Amend the Local Registered Stock Law, 1942.

[29th July, 1948]

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1—This Law may be cited as the Local Registered Stock (Amendment) Law, 1948, and shall be read and construed as one with the Local Registered Stock Law, 1942, hereinafter referred to as the principal Law.

Short title
and con-
struction.
Law 37 of
1942.

2—The principal Law is hereby amended by the insertion after section 17 of the following section as section 17A—

Insertion of
section 17A in
principal
Law.

"Power to
exempt from
stamp duty
upon
transfer.

17A—(1) Wherever any sum of money is about to be raised under the provisions of this Law for the purposes mentioned in any Law whereby the Governor is authorised to raise money for such purposes, the Governor in Executive Council may by order declare

that notwithstanding anything to the contrary no stamp duty shall be payable upon the transfer, whenever such transfer may occur, of any stock issued for such purposes within such period as may be specified in such order.

(2) Notwithstanding anything to the contrary, no order under sub-section (1) of this section shall be revoked or be amended in such manner as to render any stamp duty payable upon the transfer of any stock to which such order relates on which stamp duty would not have been payable if such transfer had occurred immediately before the amendment of such order."

Insertion of
section 30
in principal
Law.

3—The principal Law is hereby amended by the insertion of the following section as section 30—

"Transfers
of certain
stock to be
exempt from
stamp duty.

30—(1) Notwithstanding anything to the contrary, no stamp duty shall be payable in respect of the transfer of any stock issued under this Law between the 28th day of May, 1942, and the 1st day of April, 1948.

(2) Sub-section (1) of this section shall be deemed to have come into operation on the 28th day of May, 1942."

No. 18—1948

I assent,

[L.S.]

D. C. MACGILLIVRAY,

Acting Governor,

20th July, 1948

A LAW to enable the Government of Jamaica to guarantee the repayment of certain loans raised by approved organisations or authorities and for matters relating thereto and connected therewith.

[29th July, 1948]

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1—This Law may be cited as the Approved Organisations and Authorities Loans (Government Guarantee) Law, 1948. Short title.

2—(1) Subject to the provisions of sub-section (2) of this section, the Governor in Executive Council may, with the prior approval of the House of Representatives, guarantee the repayment of the principal monies and interest upon any loan raised by any organisation or authority approved by the Governor in Executive Council. Power to guarantee loans to approved organisations or authorities

(2) No loan shall be guaranteed under sub-section (1) of this section except for such time and upon such terms and subject to such conditions as the House of Representatives may approve.

Loans
guaranteed
under this
Law to be a
first charge
upon assets
of borrower.

3—Notwithstanding anything to the contrary, where any loan is guaranteed by the Governor in Executive Council under section 2 of this Law the repayment of the principal monies and interest represented by the loan so guaranteed shall during the continuance of such guarantee be a first charge upon the revenue and assets of the borrower.

Repayment
of amount of
principal
monies or
interest
guaranteed
in default.

4—Where the Governor in Executive Council is satisfied that there has been any default in the repayment of any principal monies or interest guaranteed under the provisions of this Law, the Governor in Executive Council shall direct the repayment out of the general revenue and assets of Jamaica of the amount in respect of which there has been such default.

Provisions
relating to
revenue and
assets of
borrower.

5—Where the Governor in Executive Council gives any direction under section 4 of this Law all the revenue and assets of the borrower shall, upon the publication of such direction in the Gazette, vest in the Colonial Secretary in trust for the Government of this Island, until such time as any sum paid out of General Revenue under the provisions of section 4 of this Law has been repaid to the Government of this Island.

JAMAICA

No. 19—1948

I assent,

[L.S.]

D. C. MACGILLIVRAY,

Acting Governor,

21st July, 1948

A LAW to Repeal The Water Street (Authority to Lease)
Law, 1943.

[29th July, 1948]

ENACTED by the Governor of Jamaica with the advice
and consent of the Legislative Council and the House
of Representatives.

1—This Law may be cited as the Water Street (Authority to Lease) (Repeal) Law, 1948. Short title.

2—The Water Street (Authority to Lease) Law, 1943,
is hereby repealed.

Repeal of
Water Street
(Authority to
Lease) Law
1943, Law 31
of 1943.

No. 20—1948

I assent,

[L.S.]

D. C. MACGILLIVRAY,

Acting Governor,

21st July, 1948

A LAW to Amend the Agricultural Loan Societies Law,
1944

[29th July, 1948]

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1—This Law may be cited as the Agricultural Loan Societies (Amendment) Law, 1948, and shall be read and construed as one with the Agricultural Loan Societies Law, 1944 (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and con-
struction.

Law 28 of
1944.

2—Sub-section (1) of section 15 of the principal Law is hereby amended by inserting the following paragraphs as paragraph (c) and paragraph (d) of the sub-section—

Amendment
of section 15
of principal
Law.

“(c) save under and in accordance with the previous written permission of the Board, sell any of its assets;

- (d) save under and in accordance with the previous written permission of the Board, consent to the sale or gift by any person of the whole or any part of any security given by such person to such society."

Amendment
of section 32
of principal
Law.

3—Section 32 of the principal Law is hereby amended in the following respects:—

- (a) by renumbering the existing sub-section (2) as sub-section (3) of the section;
- (b) by inserting as sub-section (2) of the section the following sub-section—

"(2) No registered society, save with the prior written approval of the Board, may—

- (a) make a loan or be a party to any financial accommodation to the chairman, treasurer, secretary or any other officer (whether paid or otherwise) of such society; or
- (b) permit any of its funds to be used for the personal purposes of any such officer, other than the payment of the duly authorised salary of any officer of the society."

No. 21—1948

I assent,

[L.S.]

D. C. MACGILLIVRAY,

Acting Governor,

24th July, 1948

A LAW to Amend the Parochial Roads Law.

[29th July, 1948]

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1—This Law may be cited as the Parochial Roads Short title.
(Amendment) Law, 1947, and shall be read and construed
as one with the Parochial Roads Law (hereinafter referred Cap. 37.
to as the principal Law) and all amendments thereto.

2—Section 51 of the principal Law is hereby amended by Amendment
the deletion of paragraph (j) and the substitution therefor of section 51
of the following paragraph as paragraph (j)— of principal
Law.

“(j) Any earth, stone, timber, metal, or any article
of any description whether similar to the fore-
going or not, left upon or deposited upon the
road without the authority of the Parochial
Board;”.

Amendment
of section 52
of principal
Law.

3—Section 52 of the principal Law is hereby amended in the following respects—

- (a) by the deletion of sub-section (1) and the substitution therefor of the following sub-section as sub-section (1)—

“(1) Whenever there shall exist any encroachment on a parochial road, the owner or occupier of the land, fence, or construction, from which such encroachment proceeds, or the owner of the thing constituting the encroachment, or the person by whom the thing constituting the encroachment was left upon or deposited upon the road, shall, after receiving a notice signed by or on behalf of the Superintendent of Parochial Roads and Works, requiring him so to do, forthwith remove or abate the same at his own cost.”;

- (b) by the deletion of sub-section (3) of the section and the substitution therefor of the following sub-section as sub-section (3)—

“(3) At the expiration of the time specified in such notice, or without any such delay, if the encroachment endangers, or impedes, or threatens or is likely to endanger or impede the traffic on the road, or the drainage of the road, the Superintendent of Parochial Roads and Works may remove the encroachment or cause it to be removed in such manner as he may think fit.”.

Amendment
of section 53
of principal
Law.

4—Section 53 of the principal Law is hereby amended in the following respects—

- (a) by the deletion from paragraph (b) of the section of the words “nor any person acting under their authority” and the substitution therefor of the following words—

“nor the Superintendent of Parochial Roads and Works, nor any person acting under the authority either of the Parochial Board or of such Superintendent”;

- (b) by the insertion in paragraph (c) of the section before the word “and” of the following words
“or by the person by whom the thing constituting the encroachment was placed upon or deposited upon the road,”;
- (c) by the deletion from paragraph (e) of the section of all the words coming after the word “credited” and the substitution therefor of the following words—

“to the person liable for costs of removal and shall be allowed in the settlement of such costs, and any excess of net proceeds over costs shall be paid to the owner or occupier of the land, fence or construction from which such encroachment proceeds or to the owner of the thing placed upon or deposited upon the road, as the case may be.”.

JAMAICA

No. 22--1948

I assent,

[L.S.]

J. HUGGINS,

Governor

20th August, 1948

A LAW to amend the Judicature Law and for matters incidental thereto or connected therewith.

26th August, 1948

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1—This Law may be cited as the Judicature (Amendment) Law, 1948, and shall be read and construed as one with the Judicature Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and con-
struction.
Cap. 430.

2—Section 7 of the principal Law is hereby amended by the deletion of paragraphs (e) and (f) of the section, and the substitution therefor of the following paragraph as paragraph (e)—

Amendment
of section 7
of principal
Law.

“(e) shall be paid salaries at the following rates, that is to say—

to the Chief Justice, not less than £2,200 per annum;

to each Puisne Judge, not less than £1,500 per annum."

Amendment
of section 28
of principal
Law.

3—Section 28 of the principal Law is hereby amended in the following respects—

- (a) by renumbering the section as sub-section (1) of the section;
- (b) by deleting all the words in the sub-section coming after the word "thereof" in paragraph (c) of the sub-section;
- (c) by inserting the following sub-sections as sub-sections (2), (3), (4), (5) and (6) of the section—

"(2) Every order under sub-section (1) of this section shall be so framed as to provide that there shall be held a Circuit Court three times a year in each parish of the Island except the parish of Saint Andrew.

(3) Every order under sub-section (1) of this section shall be published in the Gazette and shall come into operation upon the date specified in such order.

(4) Every order under sub-section (1) of this section shall, so long as it continues in force, have the same effect as if it formed part of the provisions of this Law, and rules of Court may be made for carrying any order under sub-section (1) of this section into effect as if the provisions of such order formed part of this Law.

(5) The Governor in Executive Council may, under the provisions of this section, order that the whole Island shall constitute one Circuit.

(6) Notwithstanding anything in this section or in any order made under this section, the Chief Justice or any Puisne Judge may direct any Circuit Court Clerk—

- (a) to postpone the opening of the Circuit Court of which he is the Clerk, from the day appointed for such opening by any order under this section to any other day specified by the Chief Justice or any Puisne Judge, as the case may be; or
- (b) to adjourn the sitting of the Circuit Court to which he is the Clerk to any day specified by the Chief Justice or any Puisne Judge."

No. 23—1948

I assent,

[L.S.]

J. HUGGINS,

Governor

24th August, 1948

A LAW to Amend the Agricultural Marketing Law

26th August, 1948

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1—This Law may be cited as the Agricultural Marketing (Amendment) Law, 1948, and shall be read and construed as one with the Agricultural Marketing Law, hereinafter referred to as the principal Law.

Short title
and con-
struction.

Law 54 of
1944

2—Sub-section (2) of section 5 of the principal Law is hereby amended in the following respects:—

Amendment
of section 5
of principal
Law.

- (i) by the insertion next after the word "participate" in paragraph (c) of the sub-section of the words "directly or indirectly"; and

- (ii) by the deletion of the semi-colon after the word "office" where that word last appears in paragraph (d) of the sub-section and the substitution thereof of a full stop; and
- (iii) by the deletion of paragraph (e) of the sub-section.

JAMAICA

No. 24--1948

I assent,

[L.S.]

J. HUGGINS,

Governor

24th August, 1948

A LAW to enable members of the Civil Service of Jamaica who have been possessed of certain legal professional qualifications, the possession of which is a condition precedent to the holding of certain offices under the Crown in Jamaica, and who have ceased to possess such qualifications, to continue to hold and to be eligible for appointment to such offices, and for purposes incidental thereto and connected therewith.

26th August, 1948

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1—This Law may be cited as the Civil Service (Special Short title. Legal Qualification) Law, 1948.

Specified
legal
professional
qualifica-
tion.

2—For the purposes of this Law a person shall be deemed to be possessed of the specified legal professional qualification if he is a member of the Bar of England or of Northern Ireland or of the Faculty of Advocates of Scotland or a Solicitor of the Supreme Court of Judicature of England, Scotland, Northern Ireland or Jamaica or a Law Agent in Scotland, and shall be deemed to cease to be possessed of such legal professional qualification if he ceases to be a member of the Bar of England or of Northern Ireland or of the Faculty of Advocates of Scotland or a Solicitor of the Supreme Court of Judicature of England, Scotland, Northern Ireland or Jamaica or a Law Agent in Scotland.

Grant of
Civil Service
(Special
Legal
Qualifica-
tion)
Certificate.

3—Where the Chief Justice of Jamaica is satisfied that any member of the Civil Service of Jamaica who is the holder of any of the specified legal professional qualifications is about, for reasons not discreditable to himself, to take such steps as may be necessary as to cause himself to cease to be the holder of such specified legal professional qualifications, the Chief Justice may, on the application of such person, grant to such person a Civil Service (Special Legal Qualification) Certificate under this Law.

What is to
be specified
in Certi-
ficate.

4—Every Civil Service (Special Legal Qualification) Certificate under this Law shall specify—

- (a) the name of the person to whom it relates; and
- (b) the date upon which it is granted; and
- (c) whether such person is a member of the Bar of England or of Northern Ireland or of the Faculty of Advocates of Scotland or a Solicitor of the Supreme Court of Judicature of England, Scotland, Northern Ireland or Jamaica or a Law Agent in Scotland, at the time that such Certificate is granted.

Provisions
relating to
holder of
Certificate.

5—(1) Every person who is the holder of any Civil Service (Special Legal Qualification) Certificate under this Law and who, after the grant of such Certificate, ceases to hold the specified legal professional qualification held by him at the time of the grant of such Certificate, shall, notwithstanding his having ceased to hold such specified legal

professional qualification, be eligible to be appointed to and to hold any office in the Civil Service of Jamaica for the appointment to or holding of which he would have been eligible if he had not ceased to hold such specified legal professional qualification.

(2) Every person who is the holder of a Civil Service (Special Legal Qualification) Certificate under this Law shall, during the continuance in force of such Certificate, be entitled to do any act or thing required to be done by him in his capacity as the holder of an office in the Civil Service of Jamaica which he would have been entitled to do if he had not ceased to hold the specified legal professional qualification held by him at the time when such Certificate was granted.

6—Every Civil Service (Special Legal Qualification) Certificate—

Revocation
of
Certificate

- (a) shall be deemed to be revoked upon the holder thereof becoming a member of the Bar of England or of Northern Ireland or of the Faculty of Advocates of Scotland or a Solicitor of the Supreme Court of Judicature of England, Scotland, Northern Ireland or Jamaica or a Law Agent in Scotland;
- (b) shall be deemed to be revoked upon the holder thereof ceasing to be a member of the Civil Service of Jamaica;
- (c) may be revoked by the Chief Justice on the application of the Attorney General, so, however, that no such Certificate shall be revoked unless the holder thereof is afforded a reasonable opportunity of showing cause why such Certificate should not be so revoked.

No. 25—1948

I assent,

[L.S.]

J. HUGGINS,

Governor.

11th November, 1948.

A LAW to Amend the Road Traffic Law.

[The date of any Proclamation issued by the
Governor bringing the Law into operation.]

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1—This Law may be cited as the Road Traffic (Amendment) Law, 1948, and shall be read and construed as one with the Road Traffic Law (hereinafter referred to as the principal Law) and all amendments thereto, and shall come into operation on a day to be appointed by the Governor by Proclamation in the Gazette.

Short title,
construction
and com-
mencement.
Cap. 310.

2—Section 14AA of the principal Law (as inserted by the Road Traffic (Licensing of Military Drivers) (Defence) Regulations, 1943) is hereby repealed.

Repeal of
section 14AA
of the
principal
Law.

No. 26—1948

I assent, *

[L.S.]

J. HUGGINS,

Governor.

11th November, 1948

A LAW to Amend the Unlawful Possession of Agricultural Produce Law.

[12th November, 1948]

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1—This Law may be cited as the Unlawful Possession of Agricultural Produce (Amendment) Law, 1948, and shall be read and construed as one with the Unlawful Possession of Agricultural Produce Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and
construction.
Cap. 413.

2—The principal Law is hereby amended by the addition after section 13 of the following section as section 14—

Addition of
section 14 to
principal
Law.

"Remunera-
tion of
authorized
persons.

14—The Governor in Executive Council may make regulations providing for the circumstances in which and the rates at which authorized persons appointed under section 3 of this Law shall be remunerated in respect of their services under this Law."

No. 27—1948

I assent,

[L.S.]

J. HUGGINS,

Governor.

12th November, 1948.

A LAW to Provide for the Probation of Offenders.

[12th November, 1948]

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1—This Law may be cited as the Probation of Offenders **Short title.**
Law, 1948.

2—In this Law—

“magistrate” includes Resident Magistrate and **Definitions.**
Justice of the Peace;

“principal probation officer” means a person appointed
to be a principal probation officer under this Law;

“probation committee” means a committee appointed
to be a probation committee under this Law;

“probation order” means an order made under this Law placing a person under the supervision of a probation officer.

“probationer” means a person placed under supervision by a probation order;

“probation officer” means a person appointed to be a probation officer under this Law;

Power of
Court to per-
mit condi-
tional release
of offenders.

3—(1) Where any person is charged with an offence which is punishable on summary conviction, and the court thinks that the charge is proved but is of opinion that having regard to the circumstances, including the nature of the offence and the character and home surroundings of the offender, it is expedient to release the offender on probation, the court may—

- (a) convict the offender and make a probation order;
- or
- (b) without proceeding to conviction, make a probation order:

Provided that before making a probation order the court shall explain to the offender in ordinary language the effect of the order and that, if he fails in any way to comply therewith or commits another offence, he will be liable to be sentenced or to be convicted and sentenced for the original offence, and the court shall not make a probation order unless the offender expresses his willingness to comply with the provisions of the order.

(2) Where any person is convicted of an offence which is not punishable on summary conviction, and the court is of opinion that, having regard to the circumstances, including the nature of the offence and the character and home surroundings of the offender, it is expedient to release the offender on probation, the court may in lieu of imposing a sentence of imprisonment, make a probation order:

Provided that before making a probation order the court shall explain to the offender in ordinary language the effect of the order and that, if he fails in any respect to comply therewith or commits another offence, he will be liable to be sentenced for the original offence, and the court shall not make a probation order unless the offender expresses his willingness to comply with the provisions of the order.

4—(1) A probation order shall have effect for such period not less than one year and not more than three years from the date of the order as may be specified therein, and shall require the probationer to submit during that period to the supervision of a probation officer appointed for or assigned to the parish in which the probationer will reside after the making of the order, and shall contain such provisions as the court considers necessary for securing the supervision of the offender, and such additional conditions as to residence and other matters as the court, having regard to the circumstances of the case, considers necessary for securing the good conduct of the offender or for preventing a repetition of the same offence or the commission of other offences.

Probation
order.

(2) Where a probation order contains a provision as to residence, the place at which and the period for which the probationer is to reside shall be specified in the order, and where any such provision requires the probationer to reside in an institution, the period for which the probationer is required so to reside shall not extend beyond twelve months from the date of the order, and the court shall forthwith give notice of the terms of the order to the Governor.

(3) The court by which a probation order is made shall furnish two copies of the order, one copy to be given to the probationer and the other to the probation officer under whose supervision he is placed.

5—(1) Where a person is placed by a probation order under the supervision of a probation officer, the court may, without prejudice to its powers of awarding costs against the offender, order the offender to pay such damages for injury or compensation for loss as the court thinks reasonable, but not, in the case of an order made by a court of summary jurisdiction, exceeding in the aggregate twenty-five pounds or such greater sum as may be allowed by any enactment relating to the offence.

Further pro-
visions where
court makes
probation
order.

(2) Where a court makes any such order for the payment of damages or compensation as aforesaid, the order may be enforced in like manner as an order for the

payment of costs by the offender, and where the court, in addition to making such an order for the payment of damages or compensation to any person, orders the offender to pay to that person any costs, the orders for the payment of damages or compensation and for the payment of costs may be enforced as if they constituted a single order for the payment of costs.

Commission
of further
offences by
probationers.

6—(1) If it appears to a judge or any magistrate that a probationer has been convicted of an offence committed while the probation order was in force, he may issue a summons requiring the probationer to appear at the place and time specified therein or may issue a warrant for his arrest:

Provided that a magistrate shall not issue such a summons or warrant except on information in writing and on oath.

(2) A summons or warrant issued under this section shall direct the probationer to appear or to be brought before the court by which the probation order was made.

(3) Where a probationer is convicted by a magistrate of an offence committed while the probation order was in force, the magistrate may commit the probationer to custody or release him on bail, with or without sureties, until he can be brought or appear before the court by which the probation order was made.

(4) Where it is proved to the satisfaction of the court by which the probation order was made that the probationer has been convicted of an offence while the probation order was in force, then—

- (a) if the probationer was not convicted of the original offence in respect of which the probation order was made, the court may convict him of that offence and pass any sentence which it could pass if the probationer had just been convicted before that court of that offence; or
- (b) if the probationer was convicted of the original offence in respect of which the probation order was made, the court may pass any sentence which it could pass if the probationer had just been convicted before that court of that offence.

(5) Where a probationer in respect of whom a probation order has been made by a magistrate is convicted before the High Court of an offence committed while the probation order was in force, then—

- (a) if the probationer was not convicted of the original offence in respect of which the probation order was made, the High Court may convict him of that offence and may pass any sentence which the court which made the probation order could pass if the probationer had just been convicted before that court of that offence; or
- (b) if the probationer was convicted of the original offence in respect of which the probation order was made, the High Court may pass any sentence which the court which made the probation order could pass if the probationer had just been convicted before that court of that offence.

7—(1) If it appears to a judge or any magistrate that a probationer has failed to comply with any of the provisions of the probation order, he may issue a summons to the probationer requiring him to appear at the place and time specified therein or may issue a warrant for his arrest:

Failure by
probationer
to comply
with proba-
tion order

Provided that a magistrate shall not issue such a summons except on information, and shall not issue such a warrant except on information in writing and on oath.

(2) A summons or warrant under this section shall direct the probationer to appear or to be brought before the court by which the probation order was made.

(3) If it is proved to the satisfaction of the court by which the probation order was made that the probationer has failed to comply with any of the provisions of the probation order, then—

- (a) without prejudice to the continuance in force of the probation order, the court may impose on the probationer a fine not exceeding ten pounds; or

- (b) (i) if the probationer was not convicted of the original offence in respect of which the probation order was made, the court may convict him and pass any sentence which it could pass if the probationer had just been convicted before that court of that offence; or
- (ii) if the probationer was convicted of the original offence in respect of which the probation order was made, the court may pass any sentence which it could pass if the probationer had just been convicted before that court of that offence:

Provided that where a court has under the provisions of sub-paragraph (a) of this sub-section imposed a fine on the probationer, then, on any subsequent sentence being passed upon the probationer under the provisions of section 6 of this Law or of this section, the imposition of the said fine shall be taken into account in fixing the amount of the said sentence.

Probation
order: dis-
qualification
or disability.

8—(1) Where a person is convicted of an offence and is released under a probation order, his conviction for that offence shall be disregarded for the purposes of any enactment by or under which any disqualification or disability is imposed upon convicted persons or by or under which provision is made for a different penalty in respect of a second or subsequent offence or in respect of an offence committed after previous conviction:

Provided that if the probationer is subsequently sentenced for the original offence, this section shall cease to apply in respect of that offence, and he shall be deemed, for the purposes of any such enactment imposing a disqualification or disability, to have been convicted on the date of sentence.

(2) Where a person is released on probation, without the court having proceeded to conviction, and he is subsequently convicted and sentenced for the original offence, then he shall be deemed, for the purposes of any enactment by or under which any disqualification is imposed upon

convicted persons or by or under which provision is made for a different penalty in respect of a second or subsequent offence or in respect of an offence committed after a previous conviction, to have been convicted on the date of such conviction and sentence.

9—Where a probationer is committed to custody or released on bail by a magistrate until he can be brought or appear before the court which made the probation order, the magistrate shall transmit to the said court such particulars of the case as he thinks desirable, and where the probationer has been convicted of a subsequent offence by a magistrate, the magistrate shall transmit to the said court a certificate to that effect, signed by him, and for the purposes of proceedings in the court to which it is transmitted any such certificate, if purporting to be so signed, shall be admissible as evidence of the conviction.

Transmission of documents when case is remitted to another court.

10—(1) Subject to the provisions of this section, where, on the application of a probationer or of the probation officer responsible for his supervision, the court which made the probation order is satisfied that the provisions of the probation order should be varied, or that any provisions should be inserted or cancelled, the court may by order amend the probation order accordingly:

Amendment of probation orders.

Provided that no order shall be made under this section reducing the period of duration of the probation order, or extending that period beyond a period of three years from the date of the probation order.

(2) An order under sub-section (1) of this section may require a probationer to reside in an institution for any period not extending beyond twelve months from the date of that order, if the total period or the aggregate of the periods for which he is required to reside in any institution or institutions under the probation order does not exceed twelve months.

(3) The court shall, if it is satisfied, on the application of the probation officer responsible for the supervision of the probationer, that the probationer has changed, or is about to change, his residence from the

parish named in the order to another parish, by order vary the probation order by substituting for the reference to the parish named therein a reference to the parish where the probationer is residing or is about to reside, and shall transmit to the court for the new parish all documents and information relating to the case, and thereupon the last mentioned court shall be deemed for all the purposes of this Law to be the court by which the probation order was made.

(4) An order under this section cancelling a provision of a probation order or substituting a new parish for the parish named therein may be made without summoning the probationer, but no other order under this section shall be made except on the application or in the presence of the probationer.

(5) Where an order is made under this section for the variation, insertion, or cancellation of a provision requiring a probationer to reside in an institution, the court shall forthwith give notice of the terms of the order to the Governor.

Discharge of
probationers.

11—(1) The court by which a probation order was made may, on the application of the probationer or of the probation officer responsible for his supervision, discharge the probation order, and, where the application is made by the probation officer, the court may deal with it without summoning the probationer.

(2) Where an offender in respect of whom a probation order has been made is subsequently sentenced for the offence in respect of which the probation order was made, the probation order shall cease to have effect.

Transmission
of copies of
orders for
amendment
or discharge
of probation
orders.

12—Where an order is made for the amendment or discharge of a probation order, the clerk of the court by which the order is made shall furnish two copies of the order to the probation officer responsible for the supervision of the probationer, or in the case of an order for the discharge of a probation order, to the probation officer who was so responsible before the making of the order, one copy to be given by him to the probationer.

13—(1) Subject to the provisions of sub-sections (3) and (4) of this section, in any case where a court might make a probation order under paragraph (a) of sub-section (1) of section 3 of this Law or under sub-section (2) of section 3 of this Law, if the court is of opinion that it is expedient to release the offender on probation and that by reason of the special circumstances of the case no useful purpose would be served by placing the offender under the supervision of a probation officer, the court may convict the offender and make an order discharging the offender conditionally upon his entering into a recognizance, with or without a surety, to be of good behaviour and to appear for sentence when called upon at any time during such period not exceeding three years as may be specified in the recognizance.

Power to
release offen-
ders condi-
tionally upon
entering into
recogniz-
ances.

(2) Subject to the provisions of sub-sections (3) and (4) of this section, in any case where a court might make a probation order under paragraph (b) of sub-section (1) of section 3 of this Law, if the court is satisfied that it is expedient to release the offender on probation and that by reason of the special circumstances of the case no useful purpose would be served by placing the offender under the supervision of a probation officer, the court may, without proceeding to conviction, make an order discharging the offender conditionally upon his entering into a recognizance, with or without a surety, to be of good behaviour and to appear for conviction and sentence when called upon at any time during such period not exceeding three years as may be specified in the recognizance.

(3) Before making any order under this section the court shall explain to the offender in ordinary language the effect of the recognizance into which he is to be required to enter and that if he fails in any respect to comply therewith or commits another offence, he will be liable in the case of an offender who is required to enter into a recognizance under sub-section (1) of this section to be convicted and sentenced for the original offence and in the case of an offender who is required to enter into a recognizance under sub-section (2) of this section to be sentenced for the

original offence and in either case, his recognizance will be liable to be estreated.

(4) No order shall be made under this section unless the offender expresses his willingness to comply with the conditions of the recognizance into which he is required by such order to enter.

Recognizances.

14—(1) Every recognizance entered into pursuant to an order under section 13 of this Law shall contain such conditions (being conditions which might be contained in a probation order under this Law) as may be specified in such order.

(2) Where a recognizance contains a condition as to residence, the place at which and the period for which the person who enters into the recognizance is to reside shall be specified in the recognizance, and where any such condition requires such person to reside in an institution, the period for which such person is required so to reside shall not extend beyond twelve months from the date of the recognizance.

(3) The court by which any order under section 13 of this Law is made shall furnish a copy of the recognizance entered into pursuant to such order to the person who enters into such recognizance.

(4) The court by which any order is made under section 13 of this Law shall within thirty days of the making of such order transmit to the Chief Justice a copy of such order and a copy of the recognizance entered into pursuant to such order and a certificate specifying the special circumstances by reason of which the court was of opinion that no useful purpose would be served by placing the offender under the supervision of a probation officer.

Application of certain provisions of this Law to persons entering into recognizances under section 18.

15—The provisions of sections 5 to 12, both inclusive, of this Law shall apply to any person required under section 13 of this Law to enter into a recognizance as they apply to a probationer, subject to the modifications specified in the Schedule to this Law.

16—(1) The probation officer who is to be responsible for the supervision of any probationer shall be selected by the court which makes the probation order, and, if the probation officer so selected dies or is unable for any reason to carry out his duties, or if the probation committee dealing with the case considers it desirable that another officer shall take his place, another probation officer shall be selected by the court.

Selection of
probation
officers.

(2) Where a woman or girl is placed under the supervision of a probation officer, the probation officer shall be a woman: Provided that the Governor in Executive Council may by order suspend the application of this subsection to any parish specified in such order for such period as may be so specified.

17—Such contributions may be made towards the establishment or maintenance of homes or hostels for the reception of persons placed under the supervision of probation officers as may be provided by Resolution of the House of Representatives.

Contributions
towards
homes and
hostels.

18—The Governor shall appoint—

Appoint-
ments.

- (a) a principal probation officer who shall organise and supervise the probation service in the Island in accordance with rules made under this Law;
- (b) a sufficient number of probation officers, qualified by character and experience to be probation officers, who shall perform such duties as may be prescribed by rules made under this Law;
- (c) a probation committee or probation committees, consisting of such persons as the Governor shall think fit, who shall review the work of probation officers in individual cases and perform such duties in connection with probation as may be prescribed by rules made under this Law.

19—The Governor in Executive Council may by order make rules prescribing—

Rules.

- (a) the duties of a principal probation officer;

- (b) the duties of probation officers;
- (c) the constitution and duties of a probation committee or probation committees;
- (d) the form of records to be kept under this Law;
- (e) the remuneration of any person appointed to carry out any duties under this Law and the fees and charges to be made for any act, matter, or thing under this Law to be done or observed;
- (f) generally for carrying the purposes or provisions of this Law into effect.

Repeal.
Cap. 475.

20—The Probation of Offenders Law is hereby repealed, so, however, that any probation order made under that Law and in force at the date of the commencement of this Law shall continue in force as if such Law had not been repealed.

SCHEDULE

(Section 15)

Sections to be modified

Nature of Modification

Sections 5 to 9, both inclusive,
and section 11.

- (1) The substitution for references to a probationer of references to a person required under section 13 of this Law to enter into a recognizance.
- (2) The substitution for references to the court by which a probation order was made of references to the court by which an order was made under section 13 of this Law requiring an offender to enter into a recognizance.
- (3) The substitution for references to a probation order of references to a recognizance required to be entered into under section 13 of this Law.
- (4) The deletion of all references to a probation officer.

Section 10.

- (1) The substitution for all references to a probationer of references to a person required under section 13 of this Law to enter into a recognizance.
- (2) The substitution for all references to a probation order of references to a recognizance.
- (3) The substitution for all references to the terms of a probation order of references to the conditions of a recognizance.
- (4) The deletion from sub-section (1) of the section of the reference to a probation officer.
- (5) The insertion of the following proviso as a further proviso to sub-section (1) of the section—

“Further provided that no order shall be made under this section varying a recognizance entered into with a surety unless the surety consents to the variation of such recognizance, so, however, that where the court is satisfied that it is

SCHEDULE (Contd.)

(Section 15)

Sections to be modified

Nature of Modification

Section 10. (Contd.)

expedient to vary any recognizance entered into with a surety and the surety does not consent to such variation, the court may discharge the surety from all liability under the recognizance and thereupon may vary the recognizance by order under this section."

- (6) The deletion from sub-section (5) of the section of the words "probation officer responsible for the supervision of the probationer, that the probationer" and the substitution therefor of the words "person required to enter into a recognizance under section 13 of this Law or his surety that the person first referred to in this sub-section".

Section 12.

- (1) The substitution for the reference to a probation order of a reference to a recognizance.

- (2) The deletion of all the words coming after the word "furnish" in the section and the substitution therefor of the following words—

"one copy of the order to the person required to enter into the recognizance and one copy to each of his sureties (if any)."

No. 28—1948

I assent,

[L.S.]

J. HUGGINS,

Governor.

12th November, 1948.

A LAW to alter the Titles of certain Officers and Sub-Officers of the Jamaica Constabulary.

[The date of any Proclamation issued by the Governor bringing the Law into operation.]

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1—This Law may be cited as the Jamaica Constabulary Officers and Sub-Officers (Change of Titles) Law, 1948, and shall come into operation on a date to be appointed by the Governor by Proclamation published in the Gazette.

Short title
and com-
mencement.

2—From and after the commencement of this Law the Officers and Sub-Officers of the Jamaica Constabulary Force respectively known by the titles set out in the first column of the First Schedule to this Law shall respectively be known and styled by the corresponding titles set out in the second column of that Schedule.

Change of
titles.

Change of
title of
officers and
sub-officers
referred to
in Acts, etc.

3—(1) Whenever the title of an Officer or Sub-Officer of the Jamaica Constabulary Force set out in the first column of the Second Schedule to this Law occurs either specifically or by implication, in any Act or Law or in any rule, regulation, bye-law, proclamation, order, notification, notice or any other instrument, such title shall be deemed to be replaced by the corresponding title set out in the second column of that Schedule, and any reference either specifically or by implication to a title in the first column shall, subject to the provisions of section 4 of this Law, be construed as a reference to the corresponding title in the second column.

(2) For the purposes of this section "Superintendent" shall include Senior Assistant Superintendent and Assistant Superintendent.

Rights, etc.,
previously
conferred on
Inspectors
and Sub-
Inspectors.

4—Where by any Act, Law, rule, regulation, bye-law, proclamation, order, notification, notice or any other instrument any right, power, privilege or immunity is conferred on any Inspector or Sub-Inspector of the Jamaica Constabulary Force in whatever terms, such right, power, privilege or immunity shall be deemed to be conferred on any Superintendent, Senior Assistant Superintendent or Assistant Superintendent of the Jamaica Constabulary Force.

FIRST SCHEDULE

First Column	Second Column
First Class Inspector	Superintendent
Second Class Inspector	Senior Assistant Superintendent
Third Class Inspector	Assistant Superintendent
Sub-Inspector	Assistant Superintendent
Staff Sergeant-Major	Inspector
Sergeant-Major	Sub-Inspector

SECOND SCHEDULE

First Column

Second Column

Inspector

Superintendent

Sub-Inspector

Assistant Superintendent

Staff Sergeant-Major

Inspector

Sergeant-Major

Sub-Inspector

No. 29—1948

I assent,

[L.S.]

J. HUGGINS,

Governor.

10th November, 1948

A LAW to encourage the manufacture of cement in Jamaica and to make provision for the granting of relief from customs duty, tonnage tax and income tax and surtax to persons engaged in such manufacture, and to regulate the importation, sale and distribution in Jamaica of cement, and for purposes incidental to or connected with any of the foregoing.

[15th November, 1948]

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1—This Law may be cited as The Cement Industry Short title.
(Encouragement and Control) Law, 1948.

2—In the Law—

“cement” means any product consisting principally of lime silica alumina and iron oxide or of some of such ingredients which has been calcined and ground to a fine powder which on hydration is capable of setting to a hard mass;

Interpreta-
tion.

“ordinary Portland cement” means cement which complies with the British Standard specifications for ordinary Portland cement published by the British Standards Institute.

Power to
grant licence.

3—(1) Subject to the provisions of sub-section (2) of this section the Governor in Executive Council may, on the application of any person, grant to such person a licence conferring the exclusive right to manufacture cement in Jamaica during such period as may be specified in the licence and may from time to time with the written consent of the licensee vary or amend any term or condition or the period of such licence or add or repeal any term or condition thereof.

(2) At any time after the grant of any licence under sub-section (1) of this section (hereinafter referred to as “the prior licence”) no other licence (hereinafter referred to as “the subsequent licence”) conferring the exclusive right to manufacture cement in Jamaica shall be granted whether or not the prior licence shall have expired to any person except to the grantee of the prior licence or, if such licence shall have been assigned during the currency thereof, to the last assignee thereof, unless the grantee of the prior licence or the last assignee thereof, as the case may be, has either—

- (a) ceased to exist; or
- (b) ceased for two years or more before the date of the application for the subsequent licence to manufacture cement in Jamaica; or
- (c) has consented in writing to the grant of the subsequent licence.

(3) Any licence under this Law shall contain such terms and be subject to such conditions as may, if thought fit, be limited to such types of cement as the Governor in Executive Council may, in his absolute discretion, think fit to specify therein.

Licence may
provide for
exemption
from customs
duty and
tonnage tax.

4—(1) Notwithstanding anything to the contrary, any licence under this Law may provide for exempting the licensee, subject to such conditions as may be specified in the licence, from the payment of any customs duties or tonnage tax upon any articles imported by him into

Jamaica, in respect of which such duties or tax would be payable under the provisions of any Law for the time being in force, if this section had not been enacted.

(2) Notwithstanding anything to the contrary, any licence under this Law may provide for the payment to the licensee out of General Revenue, subject to such conditions as may be specified in the licence, of a sum not in excess of the customs duties and tonnage tax paid under any Law for the time being in force upon the importation into Jamaica, of any articles purchased by the licensee in Jamaica, in respect of the importation of which into Jamaica the licensee would have been entitled, under sub-section (1) of this section, to exemption from such duty or tax if such articles had been imported into Jamaica by him.

5—(1) Notwithstanding anything to the contrary, any licence under this Law may provide for the setting off by the licensee, subject to such conditions as may be specified in the licence, for income tax purposes against any profits made by him in respect of the manufacture of cement in Jamaica during any period so specified, of such sum or sums as may be provided in the licence.

Licence may
provide for
relief
from income
tax.

(2) Notwithstanding anything to the contrary, any licence under this Law may provide that the licensee, if a Company, may, subject to such conditions as may be specified in the licence, distribute any sum or sums set off against the profits of the licensee under sub-section (1) of this section, to the shareholders or debenture holders in such Company as capital moneys free of income tax and surtax.

6—Notwithstanding anything to the contrary, any licence under this Law may exempt the licensee from the payment of any royalty to the Crown under any law for the time being in force upon the excavation for or transportation of any mineral ordinarily used in the manufacture of cement.

Licence may
exempt from
royalty on
minerals.

Licence may
authorise
acts in rela-
tion to roads.

7—(1) Notwithstanding anything to the contrary, any licence under this Law may authorise the licensee, subject to such conditions as may be specified in the licence and with the consent of the Road Authority, which shall not be unreasonably withheld, for any permitted purpose—

- (a) to erect and maintain along, over or across any main road or any parochial road any poles, wires, cables or conduits; and
- (b) to break up the surface of any main road or parochial road for the purpose of laying, maintaining or repairing and to lay, maintain and repair under, along or across any such road any pipes, cables or conduits; and
- (c) during the performance of any of the acts referred to in paragraphs (a) and (b) of this sub-section, to obstruct passage over any such road.

(2) In this section—

“the Road Authority” means, in relation to any main road, the Director of Public Works, and in relation to any parochial road, the Parochial Board for the parish in which such road is situate or, in relation to any road in the Corporate Area, the Kingston and St. Andrew Corporation or any authority charged with the maintenance of such road;

“permitted purpose” means the conveyance to or from any factory used by the licensee for the manufacture of cement of any cement made at such factory or of raw material used in or in connection with the manufacture thereof or any oil, water, gas or electricity so used or any waste products resulting from the manufacture thereof.

Prohibition
of importa-
tion of
cement.

8—(1) During the continuance in force of any licence under this Law, no person shall import into Jamaica any cement of any type to which such licence applies except in accordance with the terms of such licence.

(2) Every person who contravenes the provisions of sub-section (1) of this section shall be guilty of an offence against this section, and on summary conviction thereof before a Resident Magistrate shall be liable to a fine not exceeding Fifteen Pounds in respect of each ton, or part thereof, of cement so imported, or in default of payment of such fine to be imprisoned for any term not exceeding six months.

9—(1) During the continuance in force of any licence under this Law, no person shall manufacture in Jamaica any cement of any type to which such licence relates except under or in accordance with the terms of such licence.

Prohibition
of manufac-
ture of
cement.

(2) Every person who contravenes the provisions of sub-section (1) of this section shall be guilty of an offence against this section, and on summary conviction thereof before a Resident Magistrate shall be liable to a fine not exceeding Fifteen Pounds in respect of each ton, or part thereof, of cement so manufactured, or in default of payment of such fine to be imprisoned for any term not exceeding six months.

10—Where a person convicted of an offence against this Law is a body corporate, every person who, at the time of the commission of the offence, was a director or officer of the body corporate shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of the offence.

Offences by
corporations.

11—(1) During the continuance in force of any licence under this Law, the Governor in Executive Council may make regulations—

Regulations.

- (a) prescribing the maximum commission on or the maximum margin of profit in excess of the licensee's maximum permitted price which may be made by any distributor, wholesaler or retailer in respect of the distribution or sale by wholesale or retail in Jamaica of any cement to which such licence relates other than for export; and

- (b) prescribing the books of account which shall be kept by any distributor, wholesaler or retailer who shall sell or distribute cement in Jamaica other than for export at any price in excess of the licensee's permitted price; and
- (c) requiring any such distributor, wholesaler or retailer of cement to make such return in such form at such time and to such authority as may be prescribed of all dealings by him in cement; and
- (d) providing for the production by any such distributor, wholesaler or retailer of cement to such authority as may be prescribed at such time and place as may be required by such authority of such books, invoices, receipts or other documents relating to the distribution, purchase or sale of any cement by him as he may be required by such authority to produce.

(2) Every person who contravenes or fails to comply with any regulation made under this section shall be guilty of an offence against this section and on summary conviction thereof before a Resident Magistrate shall be liable to a fine not exceeding Twenty-five Pounds or in default of payment of such fine to be imprisoned for any term not exceeding three months.

No. 30—1948

I assent,

[L.S.]

J. HUGGINS,

Governor.

11th November, 1948.

A LAW to extend the duration of the Rum (Special Grade) Sales Tax Law, 1945, and to validate and confirm certain taxes heretofore collected and acts heretofore performed.

[15th November, 1948]

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1—This Law may be cited as the Rum (Special Grade) Extension and Validation) Sales Tax Law, 1948, and shall be read and construed as one with the Rum (Special Grade) Sales Tax Law, 1945 (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and con-
struction.
Law 38 of
1945.

2—Notwithstanding anything to the contrary the principal Law shall be deemed to have continued in force until the date on which this Law comes into operation and shall continue in force until the 31st day of March, 1950.

Duration of
principal
Law.

Validation
of acts.

3—Any monies raised, levied, collected or paid between the 1st day of April, 1948, and the day immediately preceding the day upon which this Law comes into operation (both days inclusive) under the provisions of the principal Law and which would have been lawfully raised, levied, collected or paid but for the provisions of section 12 of the principal Law shall be deemed to have been lawfully raised, levied, collected or paid, and anything which has been done before the date on which this Law comes into operation in purported exercise of any power under the principal Law shall be deemed to have been properly and validly done thereunder.

No. 31—1948

I assent,

[L.S.]

J. HUGGINS,

Governor.

11th November, 1948

A LAW to Amend the Counties and Parishes Law.

[15th November, 1948]

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1—This Law may be cited as the Counties and Parishes (Amendment) Law, 1948, and shall be read and construed as one with the Counties and Parishes Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and con-
struction.
Cap. 5.

2—Sub-section (3) of section 3 of the principal Law is hereby amended by the deletion of the words "and a place, to be fixed by the Governor near to Lime Savannah, shall be the head station thereof" and the substitution therefor of the words "and the town of May Pen shall be the parish town thereof";

Amendment
of section 3
of principal
Law.

No. 32—1948

I assent,

[L.S.]

J. HUGGINS,

Governor.

12th November, 1948

A LAW to provide for an additional pension to Harold Robert Leslie Fox, General Manager of the Jamaica Government Railway.

[The day of the date of any Proclamation notifying that
His Majesty will not exercise his powers of disallowance.]

WHEREAS Harold Robert Leslie Fox was temporarily employed as Acting Assistant Chief Engineer of the Jamaica Government Railway from the twenty-third day of November, one thousand nine hundred and twenty until the eighth day of January, one thousand nine hundred and twenty-five, when his appointment was terminated :

AND WHEREAS the said Harold Robert Leslie Fox was again employed in the Jamaica Government Railway on the seventeenth day of April, one thousand nine hundred and twenty-six, and was appointed to the permanent establishment as Chief Engineer with effect from the twenty-eighth day of October, one thousand nine hundred and twenty-six :

AND WHEREAS the said Harold Robert Leslie Fox continued to serve in the Jamaica Government Railway and was on the twelfth day of January, one thousand nine hundred and thirty-nine, promoted General Manager thereof, in which office he is now serving :

Law 27 of
1947.

AND WHEREAS under the Pensions Law, 1947, the period of service of the said Harold Robert Leslie Fox from the twenty-third day of November, one thousand nine hundred and twenty to the eighth day of January, one thousand nine hundred and twenty-five, does not count as pensionable service :

AND WHEREAS it is deemed right and equitable that such period of service should count as pensionable service :

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

Short title.

1—This Law may be cited as the Pension Provision (Harold Robert Leslie Fox) Law, 1948.

Period to
count as
pensionable
service.

2—Notwithstanding anything to the contrary in any Law contained the period of service of the said Harold Robert Leslie Fox as Acting Assistant Chief Engineer of the Jamaica Government Railway from the twenty-third day of November, one thousand nine hundred and twenty, to the eighth day of January, one thousand nine hundred and twenty-five, shall be taken into account as pensionable service and the break in his service from the ninth day of January, one thousand nine hundred and twenty-five, to the sixteenth day of April, one thousand nine hundred and twenty-six, shall be disregarded in computing the amount of his pension under the Pensions Law, 1947.

Law 27 of
1947.

Coming into
operation of
Law.

3—This Law shall not come into operation unless and until the Governor notifies by proclamation published in the Gazette that it is His Majesty's pleasure not to disallow the same and thereafter it shall come into operation on such day as the Governor shall notify by the same or any other proclamation.

No. 33—1948

I assent,

[L.S.]

J. HUGGINS,

Governor.

16th November, 1948.

A LAW to Authorise the Closing of a Portion of Maiden Lane in the Parish of Kingston.

[25th November, 1948]

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1—This Law may be cited as the Closing of Maiden Lane Short title.
(Southern End) Law, 1948,

2—The Kingston and St. Andrew Corporation may, Power to close portion of Maiden Lane.
subject to such terms and conditions as may be agreed upon with Messrs. E. A. Issa and Brothers Limited grant to the said Messrs. E. A. Issa and Brothers Limited full power and authority to close in by means of a barricade to be approved by the City Engineer and exclude the public from and to occupy for themselves all that piece or parcel of land forming the lower portion of Maiden Lane below Harbour

Street for the term of ten years, Messrs. E. A. Issa and Brothers Limited paying therefor to the Kingston and St. Andrew Corporation and their successors the annual rental of Twenty-five Pounds, maintaining the drains through and keeping the said portion of the said Lane in good and sanitary condition to the satisfaction of the City Engineer and returning the said portion of the said Lane to the Kingston and St. Andrew Corporation or their successors at the expiration of the term of ten years in a state of repair to the satisfaction of the City Engineer: Provided always that Messrs. E. A. Issa and Brothers Limited shall not erect any building so as to extend into or across Maiden Lane.

Rights of
public to
cease.

3—From and after the grant to Messrs. E. A. Issa and Brothers Limited of the power and authority referred to in section 2 of this Law and while the same continue, all existing estates, uses, trusts, rights of way and other rights of the public in any way affecting the lower portion of Maiden Lane below Harbour Street shall cease and determine.

Rights of
Crown, etc.,
reserved.

4—Nothing herein contained shall affect or be deemed to affect the rights of His Majesty the King, His Heirs and Successors, or of any bodies, politic or corporate, or of any other person or persons, except such as are mentioned or referred to in this Law and those claiming by, from, through or under them.

No. 34—1948

I assent,

[L.S.]

J. HUGGINS,

Governor.

18th November, 1948.

A LAW to encourage the establishment of a motion picture industry in Jamaica and to make provision for the granting of certain relief from customs duty, tonnage tax and income tax to persons engaged in motion picture production in Jamaica and for purposes incidental to or connected with any of the foregoing purposes.

[The date of any Proclamation issued by the
Governor bringing the Law into operation.]

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1—This Law shall be cited as the Motion Picture Industry (Encouragement) Law, 1948, and shall come into operation on a date to be appointed by the Governor by proclamation published in the Gazette.

Short title
and com-
mencement.

2—In this Law—

“local disbursement” means money spent in Jamaica for the purchase of any article manufactured or produced in Jamaica or as salary or wages to any person who was born in Jamaica or who has been

Interpreta-
tion.

domiciled in Jamaica for at least five years immediately prior to his first employment in Jamaica by any recognized motion picture producer;

“motion picture production” means the manufacturing, making and producing of motion picture and television films, acoustical accompaniments recordings and sound transcriptions of every kind, nature and description, and leasing, importing or otherwise acquiring equipment supplies rights and personnel useful therefor and distributing selling licensing renting, exporting or otherwise disposing of such motion picture and television films acoustical accompaniments recordings and sound transcriptions and developing improving and maintaining a film industry; and of exercising taking and delegating whatever powers and actions are or may become necessary or convenient to the effectuating of these and all relating purposes;

“production year” used in relation to any recognized motion picture producer, means any consecutive period of twelve months commencing on the first or any subsequent anniversary of the day on which the relevant Order came into force;

“special licence” means a special licence granted under section 11 of this Law;

“recognized motion picture producer” means any person declared under section 3 of this Law to be a recognized motion picture producer;

“relevant Order” used in relation to any recognized motion picture producer means the Order under section 3 of this Law whereby such recognized motion picture producer is declared to be a recognized motion picture producer.

Governor in
Executive
Council may
by Order
declare
persons
to be recog-
nized motion
picture
producers.

3—(1) The Governor in Executive Council, on the application in writing of any person desirous of engaging in motion picture production in Jamaica, if he is satisfied that it is expedient in the public interest to do so, may, subject to the provisions of sub-section (2), sub-section (3) and sub-section (4) of this section, in his absolute discretion

by Order declare such a person to be a recognized motion picture producer with effect from such date as may be so specified.

(2) (a) The making of any such Order shall be subject to such terms and conditions as the Governor in Executive Council may think fit, and which shall be set out in such Order and shall in any case be conditional on the applicant undertaking to expend in Jamaica on local disbursement in each production year such sum as may be specified by the Governor in Executive Council and set out in such Order.

(b) The amount specified in paragraph (a) of this sub-section shall not be less than that specified in the case of any existing producer.

(3) Before any such Order is made on any such application any existing producer shall be notified of the application and shall be entitled to appear before the Governor in Executive Council and be heard in opposition to the making of such Order.

(4) Where the making of any such Order is opposed by an existing producer, such Order shall not be made if such existing producer satisfies the Governor in Executive Council that—

(a) the production facilities provided by or available to the existing producer are adequate to the actual or reasonably prospective needs of the applicant; and

(b) such production facilities will be made available to the applicant on terms that are in accordance with the normal motion picture production practice.

(5) In this section "existing producer" means a person who is a recognized motion picture producer at the time when any other person applies to be declared to be a recognized motion picture producer.

4—(a) Any Order made under section 3 of this Law shall, unless previously revoked in accordance with the provisions of this Law, remain in force for such period not exceeding fifteen years as may be specified in the Order and may be renewed for a further period of fifteen years

Duration
of Order.

or such lesser period as the Governor in Executive Council may in his absolute discretion direct.

(b) On the expiration or revocation of any such Order the person declared by such Order to be a recognized motion picture producer shall cease forthwith to be a recognized motion picture producer.

Revocation
of Order.

5—In the event of the Governor in Executive Council being satisfied that a recognised motion picture producer has—

(a) failed in any production year to expend in Jamaica on local disbursement the sum specified in the relevant Order, or

(b) failed to comply with any other term or condition set out in the relevant Order,

he may in his absolute discretion by notification in the Gazette revoke the relevant Order and the recognised motion picture producer shall thereupon cease to be a recognized motion picture producer.

Free entry
of plant and
building
materials.

6—(1) Every recognized motion picture producer shall be entitled to import into Jamaica any plant, equipment, machinery and materials for the building of studios or for use in motion picture production free of customs duty and tonnage tax provided he satisfies the Collector General that—

(a) such articles are imported for the purpose of motion picture production; and

(b) such articles cannot be manufactured locally.

(2) The Governor in Executive Council may for the purposes of this section appoint any person or persons to be an authority to advise the Collector General and the Collector General shall consult such authority if and when it is appointed before deciding whether or not any article can be manufactured locally.

Relief from
customs
duty and
tonnage tax.

7—Every recognized motion picture producer shall be entitled where he purchases in Jamaica any articles which he would have been entitled by virtue of the provisions of section 6 of this Law to import into Jamaica free of customs duties and tonnage tax—

- (i) if the Collector General certifies that he is satisfied that customs duties and tonnage tax were paid upon the importation into Jamaica of such articles to an amount specified in such certificate, to be paid from General Revenue a sum equivalent to the amount so specified;
- (ii) if the Collector General certifies that he is satisfied that customs duty and tonnage tax were paid upon the importation of such articles into Jamaica, but is not satisfied as to the amount of customs duty and tonnage tax so paid, to be paid from General Revenue such sum as the Collector General certifies to be reasonable having regard to all the circumstances of the case.

8—(1) Every recognized motion picture producer—

- (a) who imports into Jamaica any article free of customs duty or tonnage tax; or
- (b) to whom there is paid any sum under the provisions of section 7 of this Law in respect of the purchase by him of any articles in Jamaica,

Special provisions relating to articles imported free of customs duty, etc.

shall, upon being required so to do by the Collector General—

- (i) keep such record in such form and containing such particulars as may be required by the Collector General of the articles so imported by him or in respect of which he is paid such sum; and
- (ii) cause such articles to be marked with such mark and in such manner as may be required by the Collector General; and
- (iii) permit the Collector General or any person authorised by him at all reasonable times to inspect such record and to have access to any office, studio or warehouse under his control for the purpose of examining any such articles which the Collector General may believe to be therein and of satisfying himself of the accuracy of the particulars in relation to such articles contained in such record.

(2) Every recognized motion picture producer who contravenes the provisions of this section shall be guilty of an offence and on summary conviction thereof before a

Resident Magistrate shall be liable to a fine not exceeding five hundred pounds and in default thereof to be imprisoned for any term not exceeding twelve months or to both such fine and imprisonment.

Restriction
upon the
disposal of
articles
imported
free of
duty, etc.

9—(1) No article imported into Jamaica by any recognized motion picture producer free of customs duty or tonnage tax under the provisions of this Law or in respect of the purchase of which in Jamaica any recognized motion picture producer is made any payment under section 7 of this Law shall be sold, given away or otherwise disposed of by such recognized motion picture producer except—

- (a) in the case of an assignment of the production for the purpose of which such article was imported into Jamaica or was purchased, to the assignee of such production; or
- (b) upon the recognized motion picture producer paying or giving security to the satisfaction of the Collector General for the payment of—
 - (i) in the case of any article imported by him into Jamaica free of customs duty and tonnage tax, an amount equivalent to the amount of customs duty and tonnage tax which would have been payable upon the importation of such article but for the provisions of this Law; or
 - (ii) in the case of any article purchased by him in Jamaica a sum equivalent to the sum paid to him pursuant to the provisions of section 7 of this Law in respect of the purchase of such article in Jamaica; or
- (c) after the expiration of three years from the date of the importation into Jamaica of such article, if such article was imported into Jamaica by the recognized motion picture producer or of the payment to the recognized motion picture producer of any sum under section 7 of this Law in respect of the purchase by him in Jamaica of such article, as the case may be.

(2) No such article sold, given away or otherwise disposed of by a recognised motion picture producer to an

assignee under the circumstances set out in paragraph (a) of sub-section (1) of this section shall be sold, given away or otherwise disposed of by such assignee unless the conditions of paragraph (b) or paragraph (c) of sub-section (1) of this section shall first have been fulfilled.

(3) Every person who contravenes the provisions of this section shall be liable to a penalty of three times the value of the article in respect of the disposal of which he contravenes such provisions and in default of payment thereof to be imprisoned for any term not exceeding twelve months.

10—(1) Notwithstanding anything to the contrary, where any person has been declared by the Governor in Executive Council to be a recognized motion picture producer, such person shall, so long as he remains a recognized motion picture producer, be allowed in each of any five of the eight years of assessment next after the year of assessment in which the relevant Order takes effect to set off against his income arising from the business of motion picture production in Jamaica one-fifth of his permitted capital expenditure.

Relief from
income tax.

(2) No allowance shall be made under sub-section (1) of this section in respect of any year of assessment later than the eighth year after the year of assessment in which the permitted capital expenditure was incurred.

(3) No loss incurred in connection with motion picture production in any year in respect of which any allowance as granted under this section shall be set off against the profits arising from any other trade, business or vocation carried on by the person to whom the allowance is granted.

(4) Notwithstanding anything to the contrary, any recognized motion picture producer may, if a company, distribute any sum or sums set off against profits under sub-section (1) of this section to the shareholders or debenture holders in such company as capital moneys free of income tax and surtax within two years after the end of the year of assessment in which such sum or sums is set off.

(5) In this section "permitted capital expenditure" means such sum as the Assessment Committee appointed under the Income Tax Law is satisfied has been expended

Cap. 201.

on the purchase or other acquisition of plant, equipment and machinery to be used in motion picture production or for materials to be used in the construction, re-construction, alteration or repair of any studio or for the site of any studio.

**Special
Licences.**

11—(1) Subject to the provisions of sub-section (2) of this section the Governor in Executive Council may grant a special licence to any person to engage in motion picture production for the purpose of producing any particular film to be specified in such special licence subject to such terms and conditions as may be set out in such special licence.

(2) Before any special licence is granted any person who is at the time a recognised motion picture producer shall be notified and shall be entitled to appear before the Governor in Executive Council and be heard in opposition to the grant of such special licence.

**Prohibition
of motion
picture
production
for commercial
purposes.**

12—(1) No person who is not a recognised motion picture producer or the holder of a special licence acting within the terms and conditions of such special licence shall engage in Jamaica in motion picture production for commercial purposes at a time when any other person is a recognised motion picture producer.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and on summary conviction thereof by a Resident Magistrate shall be liable to a fine not exceeding five hundred pounds and in default thereof to be imprisoned for any term not exceeding twelve months or to both such fine and imprisonment and in the case of a continuing offence to a further fine of one hundred pounds for each day during which the offence continues and in default of payment thereof to be imprisoned for any term not exceeding twelve months.

(3) In any prosecution under this section the burden of proof shall lie upon the defendant to satisfy the Resident Magistrate that the motion picture production the subject of the charge was not engaged in for commercial purposes.

(4) For the purposes of this section "motion picture production for commercial purposes" shall not include the manufacturing, making or producing of motion pictures for personal or private showing, travelogues, educational films or films produced by the Government of Jamaica.

No. 35—1948

I assent,

[L.S.]

J. HUGGINS,

Governor.

18th November, 1948.

A LAW to Amend the Importation of Textiles (Quotas)
Law.

[25th November, 1948]

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1—This Law may be cited as the Importation of Textiles (Quotas) (Amendment) Law, 1948, and shall be read and construed as one with the Importation of Textiles (Quotas) Law, hereinafter referred to as the principal Law.

Short title
and
construction.
Cap. 179.

2—Section 2 of the principal Law is hereby amended in the following respects—

Amendment
of section 2
of principal
Law.

(a) by renumbering the section as sub-section (1) of the section;

- (b) by inserting the following sub-section as sub-section (2) of the section—

“(2) All textile goods imported into Jamaica shall be deemed to be regulated textiles for the purposes of this Law unless accompanied by a certificate in the prescribed form and granted in the prescribed manner establishing that such goods were manufactured in some country specified in such certificate, not being a foreign country in respect of which any quota has been fixed by the Governor under this Law.”

No. 36—1948

I assent,

[L.S.]

J. HUGGINS,

Governor.

19th November, 1948.

A LAW Further to amend the Agricultural Loans Law.

[25th November, 1948]

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1—This Law may be cited as the Agricultural Loans (Amendment) Law, 1948, and shall be read and construed as one with the Agricultural Loans Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and construc-
tion.
Cap. 340.

2—The principal Law is hereby amended by the insertion therein, next after section 3, of the following as section 3A—

Insertion of
section 3A in
principal
Law.

"Loans for
the purpose
of planting
sugar cane.

3A—(1) Where any advance is made under the provisions of this Law to any person, being in the possession of any land as owner or tenant, for the purpose of cultivating the said land in sugar cane, or of reaping

any sugar cane grown upon the said land, section 3 of this Law shall have effect as if for the words "within a limited period, not exceeding eighteen months, to be expressed in such contract" there were substituted the words—

"in the case of an owner until such time as the full amount of the advances and interest has been duly paid to the lender and in the case of a tenant until such time as the full amount of the advances and interest has been duly paid to the lender or the expiration of the tenant's interest in the land at the time the contract was made whichever shall be the earlier".

(2) For the purposes of this section the words "owner" and "tenant" have the same meaning as they have in the Agricultural Loan Societies Law, 1944."

No. 37—1948

I assent,

[L.S.]

J. HUGGINS,

Governor.

20th November, 1948.

A LAW to Amend the Fletchers Trust Law.

[25th November, 1948]

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1—This Law may be cited as the Fletchers Trust (Amendment) Law, 1948, and shall be read and construed as one with the Fletchers Trust Law, hereinafter referred to as the principal Law.

Short title
and con-
struction.

Cap. 62.

2—Section 3 of the principal Law is hereby repealed and the following section substituted therefor—

Repeal and
replacement
of section 3
of principal
Law.

"Application
of sum of
£91 4/-.

3—(1) The Parochial Board for the parish of Saint Catherine shall apply the sum of ninety-one pounds four shillings referred to in section 2 of this Law to the payment to each of three poor widows of such parish (hereinafter referred to as "annuitants") of an annuity of thirty pounds eight shillings.

(2) Every annuity payable under this section shall be paid by equal monthly instalments.

(3) Every annuity payable under this section shall determine—

- (a) upon the death or re-marriage of the annuitant; or
- (b) with the approval of the Governor in Executive Council, if the Parochial Board is satisfied that the annuitant has ceased to be necessitous,

with effect from such date as the Governor in Executive Council may direct.

(4) Upon the determination of the annuity to any annuitant under sub-section (3) of this section the Parochial Board shall elect some other poor widow to be an annuitant in such manner and subject to such terms and conditions as may be approved by the Governor in Executive Council.

(5) Each of the widows who immediately prior to the 19th day of January, 1948, was in receipt of an annuity under this Law shall continue to receive such annuity until such annuity is determined in accordance with the provisions of sub-section (3) of this section."

No. 38—1948

I assent,

[L. S.]

J. HUGGINS,

Governor.

25th November, 1948.

A LAW to Amend the Income Tax Law.

[1st January, 1949]

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1—This Law may be cited as the Income Tax (Amendment) Law, 1948, and shall be read and construed as one with the Income Tax Law (hereinafter referred to as the principal Law) and all amendments thereto, and, except as otherwise provided herein, shall come into operation on the 1st day of January, 1949.

Short title,
construction
and com-
mencement.
Cap. 201.

2—Section 2 of the principal Law is hereby amended by the insertion therein next after the definition of "body of persons" (inserted therein by the Income Tax (Amendment) (No. 2) Law, 1939) of the following definition—

Amendment
of section 2
of principal
Law.
Law 55 of
1939.

"The expression "building society" means
any building society incorporated under
the Building Societies Law;"

Amendment
of section 7
of principal
Law.

3—Section 7 of the principal Law is hereby amended in the following respects—

Law 6 of
1945.

- (a) by the deletion of the proviso to sub-section (1) of the section (as inserted therein by section 3 of the Income Tax (Amendment) Law, 1945) and the substitution therefor of the following proviso—

“Provided that the rate of income tax chargeable shall be seven shillings and six-pence for every pound of the chargeable income of a company, registered society or building society.”;

Law 19 of
1944.

- (b) by the insertion of the words “or stepchild” after the word “child” in the fifth line of paragraph (i) of sub-section (5) of the section (as inserted therein by section 2 of the Income Tax (Amendment) Law, 1944).

Amendment
of section 9
of principal
Law.

4—Paragraph (g) of section 9 of the principal Law (as inserted therein by section 5 of the Income Tax (Amendment) Law, 1945) is hereby amended by the deletion of the word “commission,” and the word “salary” wherever such words occur in such paragraph.

Law 6 of
1945.

Repeal and
replacement
of section 9A
of principal
Law.
Law 19 of
1944.

5—(1) Section 9A of the principal Law (as inserted therein by the Income Tax (Amendment) Law, 1944) is hereby repealed and the following section substituted therefor—

“Relief to
husbandry.

9A—(1) Notwithstanding anything contained in section 9 of this Law and subject to the provisions of sub-section (2) of this section there shall be allowed in the year of assessment 1948 and in each subsequent year of assessment, in respect of income, an amount equal to two-thirds of the amount which the Assessment Committee is satisfied has been expended for the purposes of husbandry during the preceding year on any of the following improvements—

- (a) the erection and reconstruction or alteration of buildings for the housing of labourers or overseers or book-keepers; or

- (b) the erection, reconstruction or alteration of farm buildings; or
- (c) the installation, reconstruction or alteration of works, machinery, plant and equipment for irrigation or drainage; or
- (d) the installation, reconstruction or alteration of works for the supply of drinking water for cattle; or
- (e) the undertaking of works designed for the conservation of soil; or
- (f) the erection of new fences; or
- (g) the purchase of agricultural implements.

(2) No allowance shall be made under sub-section (1) of this section in respect of any improvement except in accordance with such conditions as may be prescribed or in respect of any amount by which the cost of such improvement exceeds such sum as may be prescribed.

(3) In this section the expression "farm buildings" does not include any buildings used primarily as a dwelling house."

(2) This section shall be deemed to have come into operation on the 1st day of January, 1948.

6—The principal Law is hereby amended by the insertion after section 9c of the following section as Insertion of section 9d in principal Law.

"Sum set off under section 9b may be distributed as capital moneys.

9D—(1) Where pursuant to the provisions of sub-section (1) of section 9B of this Law any Company sets off any sum against the profits of any hotel owned by such Company then, subject to the provisions of this section, at any time not later than the end of the year of assessment next but two after the year of assessment in which such set off

is made, the Company may distribute to its shareholders or debenture holders or both a sum equivalent to the whole or such part of the amount so set off as the Company may determine, as capital moneys.

(2) Notwithstanding anything to the contrary, no person shall be liable to pay income tax or surtax upon any moneys distributed to him as capital moneys under sub-section (1) of this section.

(3) Every distribution of moneys as capital moneys under this section may be made either by the issue of bonus shares or by the payment of a cash sum or by both.

(4) Every Company shall give notice to the Commissioner of Income Tax not less than thirty days before making any distribution under this section, specifying—

- (a) the amount which it intends to distribute;
- (b) the year of assessment in which was made the set off to which the distribution relates;
- (c) the amount of such set off;
- (d) the classes of persons to whom it intends to make such distribution; and
- (e) the manner in which and the date on which it intends to make such distribution.

(5) Every Company which distributes any sum pursuant to the provisions of this section shall at the time of making such distribution give to every person to whom such distribution is made a certificate specifying—

- (a) the name and address of the person to whom such certificate is issued;

- (b) whether the person to whom such certificate is issued is a shareholder or a debenture holder of the Company;
- (c) the year of assessment in which was made the set off to which the distribution relates;
- (d) the amount of such set off;
- (e) the amount to be distributed;
- (f) the number and nominal value of any bonus shares issued to such person in the course of the distribution and such particulars as may be necessary to identify the share certificate in relation to such bonus shares; and
- (g) the amount distributed to such person in cash.

(6) Every Company which issues any certificate under sub-section (5) of this section shall within fourteen days of the issue of such certificate forward a copy thereof to the Commissioner of Income Tax."

7—(1) The principal Law is hereby amended by the insertion after section 9D (as inserted by this Law) of the following section as section 9E—

Insertion of section 9E in principal Law.

"Relief for contribution to funds for approved purposes

9E—(1) Notwithstanding anything in section 9 of this Law no income tax shall be payable—

- (a) in respect of any sums paid by any approved association or by any member of an approved association to any approved fund; or
- (b) in respect of the income of any approved fund derived from payments of the nature referred to in paragraph (a) of this sub-section

or by way of dividends or interest from the investment of funds of the nature referred to in paragraph (a) of this sub-section.

(2) In this section—

“approved association” means any association which is an approved association under the Agricultural Marketing Law, 1944, and any other association declared by the Governor in Executive Council to be an approved association for the purposes of this section so, however, that no association shall be so declared by the Governor in Executive Council to be an approved association for the purpose of this section unless—

- (a) a substantial proportion of its members are engaged in the production of some article produced in Jamaica; or
- (b) its membership comprises a number of associations a substantial proportion of the members of which are so engaged;

“approved fund” means a fund constituted in a manner approved by the Governor in Executive Council for purposes so approved and declared by the Governor in Executive Council to be an approved fund so, however, that no fund shall be so declared if any sums in respect of which no income tax is payable under sub-section (1) of this section can in any

circumstances be used for any purposes other than purposes approved by the Governor in Executive Council."

(2) This section shall be deemed to have come into operation on the 1st day of January, 1945, except that the provisions whereby no income tax shall be payable in respect of any sums paid by any member of an approved association to any approved fund shall not take effect until the 1st day of January, 1949.

8—The principal Law is hereby amended by the insertion after section 10 of the following section as section 10A—

"Relief in respect of contribution to pension fund.

10A—Any sum deducted from the pay of any member of the Jamaica Constabulary Force pursuant to the provisions of any Law for the time being in force requiring deductions to be made from such pay by way of contribution to any pension fund shall be allowed as a deduction from the income of such member of the Jamaica Constabulary Force."

Amendment of section 10 of principal Law.

9—(1) Section 14 of the principal Law (as inserted therein by section 6 of the Income Tax (Amendment) Law, 1944) is hereby amended in the following respects—

Amendment of section 14 of principal Law.

(a) by the deletion from sub-section (1) of the section of the words "(as reduced by any relief granted under section 41 of this Law)" and the substitution therefor of the words "(double taxation relief being left out of account)";

Law 19 of 1944.

(b) by the deletion of the full stop at the end of sub-section (3) of the section and the substitution therefor of the following words "and also, where the tax paid or payable by the company is affected by double taxation relief, the rate (hereinafter in this Law referred to as 'the net Colonial rate') of the tax paid or payable by the company after taking double taxation relief into account.";

- (c) by inserting after sub-section (5) of the section the following sub-section as sub-section (6)—

“(6) In this section the expression ‘double taxation relief’ means any credit for foreign income tax which is allowable against income tax chargeable under this Law by virtue of arrangements having effect under section 41A of this Law, and any relief allowable under section 41 of this Law, including any credit or relief which has been taken into account in determining the net Colonial rate applicable to any dividends received by the company.”

(2) This section shall be deemed to have come into operation on the 1st day of January, 1948.

Amendment
of section 14A
of principal
Law.
Law 6 of
1945.

10—Section 14A of the principal Law (as inserted therein by section 8 of the Income Tax (Amendment) Law, 1945) is hereby amended in the following respects—

- (a) by the insertion after the word “society” in the first line of sub-section (1) of the words “or building society”;
- (b) by the deletion from the first line of sub-section (2) of the words “A society” and the substitution therefor of the words “A registered society or a building society”;
- (c) by the deletion from the fourth line of paragraph (a) of sub-section (3) of the words “the society” and by the substitution therefor of the words “the registered society or the building society”.

Repeal and
replacement
of section 27
of principal
Law.

11—(1) Section 27 of the principal Law is hereby repealed and the following section substituted therefor—

“Enforce-
ment of tax
and penalties.

27—(1) If any income tax is not paid within the prescribed period, the Collector of Taxes shall issue a demand note therefor.

Cap. 204.

(2) If any income tax in respect of which a demand note has been issued under sub-section (1) of this section is not paid within thirty days from the service of such demand note, the Collector of Taxes may proceed to enforce payment of the income tax to which such demand note relates under the provisions of the Tax Collection Law, in like manner as if an assessment under the provisions of that Law for the enforcement of taxes had been served.

(3) If any income tax to which a demand note under sub-section (1) of this section relates is not paid on or before the 28th day of February next after the prescribed period, the Collector of Taxes may, unless he has previously proceeded under sub-section (2) of this section to enforce payment of such income tax, give notice in writing to the taxpayer imposing a penalty not exceeding two and one half per cent. of the amount of the tax to which such demand note relates.

Cap. 204.

(4) If any penalty imposed under sub-section (3) of this section and the income tax in respect of which such penalty was imposed is not paid within thirty days of the notice under sub-section (3) of this section imposing such penalty, the Collector of Taxes may proceed to enforce payment of the tax to which such penalty relates and of such penalty, if any, under the provisions of the Tax Collection Law in like manner as if an assessment under the provisions of that Law for the enforcement of taxes had been served."

(2) This section shall come into operation on the day on which this Law is enacted.

Amendment
of section 29
of principal
Law.

12—(1) Section 29 of the principal Law is hereby amended in the following respects—

- (a) by the insertion after the word “tax” of the words “and any penalty or further penalty imposed under section 27 of this Law”; and
- (b) by the deletion of the words “next preceding section” and the substitution therefor of the words “in section 27 or section 28 of this Law”.

(2) This section shall come into operation on the day on which this Law is enacted.

Amendment
of section 34A
of principal
Law.
Law 6 of
1945.

13—Section 34A of the principal Law (as inserted therein by section 10 of the Income Tax (Amendment) Law, 1945) is hereby amended in the following respects—

- (a) by the insertion immediately after the word “society” in the second line of the section of the words “or building society”; and
- (b) by the deletion from the seventeenth line of the section of the words “this section” and by the substitution therefor of the words and figures “section 14A of this Law”.

Amendment
of section 35A
of principal
Law.
Law 6 of
1945.

14—Section 35A of the principal Law (as inserted therein by section 11 of the Income Tax (Amendment) Law, 1945) is hereby amended by the insertion immediately after the word “society” in the second line of the section of the words “or every building society”.

Insertion of
new sections
as sections
41A, 41B and
41C.

15—(1) The principal Law is hereby amended by the insertion after section 41 of the following sections as sections 41A, 41B and 41C—

“Double
Taxation
arrange-
ments.

41A—(1) If the Governor in Executive Council by order declares that arrangements specified in the order have been made with

the Government of any territory outside the Colony with a view to affording relief from double taxation in relation to income tax and any tax of a similar character imposed by the laws of that territory, and that it is expedient that those arrangements should have effect, the arrangements shall have effect in relation to income tax notwithstanding anything in any Law contained.

(2) On the making of an order under this section with respect to arrangements relating to the United Kingdom, section 41 of this Law shall cease to have effect except in so far as the arrangements otherwise provide.

(3) On the making of an order under this section with respect to arrangements relating to any territory forming part of His Majesty's dominions (other than the United Kingdom or Jamaica), section 41 of this Law shall cease to have effect as respects that territory except in so far as the arrangements otherwise provide.

(4) Where any arrangements have effect by virtue of this section, the obligation as to secrecy imposed by section 45 of this Law shall not prevent the disclosure to any authorized officer of the Government with which the arrangements are made of such information as is required to be disclosed under the arrangements.

(5) The Governor in Executive Council may make rules for carrying out the provisions of any arrangements having effect under this section.

(6) Any order under this section may—

- (a) be made with retrospective effect to a date not earlier than the 1st day of January, 1948; and

- (b) be revoked at any time by a subsequent order.

Tax Credits. 41B—(1) The provisions of this section shall have effect where, under arrangements having effect under section 41A of this Law, tax payable in respect of any income in the territory with the Government of which the arrangements are made is to be allowed as a credit against tax payable in respect of that income in Jamaica; and in this section the expression 'foreign tax' means any tax payable in that territory which under the arrangements is to be so allowed and the expression 'income tax' means tax chargeable under this Law.

- (2) The amount of the income tax chargeable in respect of the income shall be reduced by the amount of the credit:

Provided that credit shall not be allowed against income tax for any year of assessment unless the person entitled to the income is resident in Jamaica for that year.

- (3) The credit shall not exceed the amount which would be produced by computing the amount of the income in accordance with the provisions of this Law and then charging it to income tax at a rate ascertained by dividing the income tax chargeable (before allowance of credit under any arrangements having effect under section 41A of this Law) on the total income of the person entitled to the income by the amount of his total income.

- (4) Without prejudice to the provisions of sub-section (3) of this section the total credit to be allowed to a person for any year of assessment for foreign tax under all

arrangements having effect under section 41A of this Law shall not exceed the total income tax payable by him for that year of assessment.

(5) In computing the amount of the income—

- (a) no deduction shall be allowed in respect of foreign tax (whether in respect of the same or any other income);
- (b) where the income tax chargeable depends on the amount received in Jamaica, the said amount shall be increased by the appropriate amount of the foreign tax in respect of the income;
- (c) where the income includes a dividend and under the arrangements foreign tax not chargeable directly or by deduction in respect of the dividend is to be taken into account in considering whether any, and if so what, credit is to be given against income tax in respect of the dividend the amount of the income shall be increased by the amount of the foreign tax not so chargeable which falls to be taken into account in computing the amount of the credit; but notwithstanding anything in the preceding provisions of this sub-section a deduction shall be allowed of any amount by which the foreign tax in respect of the income exceeds the credit therefor.

(6) Paragraphs (a) and (b) of sub-section (5) of this section shall apply to the computation of total income for the purposes of determining the rate mentioned in sub-section (3) of

this section, and shall apply thereto in relation to all income in the case of which credit falls to be given for foreign tax under arrangements for the time being in force under section 41A of this Law.

(7) Where—

- (a) the arrangements provide, in relation to dividends of some classes, but not in relation to dividends of other classes, that foreign tax not chargeable directly or by deduction in respect of dividends is to be taken into account in considering whether any, and if so what, credit is to be given against income tax in respect of the dividends; and
- (b) a dividend is paid which is not of a class in relation to which the arrangements so provide,

then, if the dividend is paid to a company which controls, directly or indirectly, not less than one-half of the voting power in the company paying the dividend, credit shall be allowed as if the dividend were a dividend of a class in relation to which the arrangements so provide.

(8) Credit shall not be allowed under the arrangements against income tax chargeable in respect of the income of any person for any year of assessment if he elects that credit shall not be allowed in the case of his income for that year.

(9) Any claim for an allowance by way of credit shall be made not later than two years after the end of the year of assessment, and in the event of any dispute as to the amount allowable the claim shall be subject to objection and appeal in like manner as an assessment.

(10) Where the amount of any credit given under the arrangements is rendered excessive or insufficient by reason of any

adjustment of the amount of any tax payable either in Jamaica or elsewhere, nothing in this Law limiting the time for making of assessments or claims for relief shall apply to any assessment or claim to which the adjustment gives rise, being an assessment or claim made not later than two years from the time when all such assessments, adjustments and other determinations have been made, whether in Jamaica or elsewhere, as are material in determining whether any and, if so, what credit falls to be given.

Set off of
tax deducted
by Com-
panies
affected by
double tax-
ation relief.

41C—(1) Where the tax paid or payable by a company is affected by double taxation relief the amount to be set off under section 14 of this Law, or to be repaid under section 30 of this Law, in respect of the tax deductible from any dividend paid by the company shall be reduced as follows—

- (a) if no tax is chargeable on the recipient in respect of the dividend, the reduction shall be an amount equal to tax on the gross dividend at the rate of double taxation relief applicable thereto;
- (b) if the rate of tax chargeable on the recipient in respect of the dividend is less than the rate of double taxation relief applicable to the dividend, the reduction shall be an amount equal to tax on the gross dividend at the difference between those two rates.

(2) For the purposes of this section—

- (a) if the income of the person chargeable includes one dividend such as is mentioned in sub-section (1) of this section, that dividend shall be deemed to be the highest part of his income;

- (b) if his income includes more than one such dividend, a dividend shall be deemed to be a higher part of his income than another dividend if the net Colonial rate applicable to the former dividend is lower than that applicable to the latter dividend;
- (c) where tax is chargeable at different rates in respect of different parts of any such dividend, or where tax is chargeable in respect of some part of any such dividend and is not chargeable in respect of some other part thereof each part shall be deemed to be a separate dividend;
- (d) the expression 'double taxation relief' has the same meaning as in section 14 of this Law, and the expression 'the rate of double taxation relief' means the rate which represents the excess of the rate of tax deductible from the dividend over the net Colonial rate applicable thereto."

(2) This section shall be deemed to have come into operation on the 1st day of January, 1948.

No. 39—1948

I assent,

[L.S.]

J. HUGGINS,

Governor.

25th November, 1948.

A LAW to Allow and Confirm Certain Expenditure
incurred in the Financial Year 1946-47.

[26th November, 1948]

WHEREAS the amount of seven hundred and four thousand eight hundred and thirty-eight pounds five shillings and two pence was necessarily incurred during the financial year 1946-47 on certain services (not provided by the Appropriation Law, 1946) and it is now requisite to make a further provision for seven hundred and four thousand eight hundred and thirty-eight pounds five shillings and two pence.

Preamble.

Law 15 of
1946.

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1—This Law may be cited as the Supplementary Short title.
Appropriation (1946-47) Law, 1948.

Amount
authorised
for the finan-
cial year
1946-47.

Law 15 of
1946.

2—The expenditure during the financial year 1946-47 to the amount of seven hundred and four thousand and eight hundred and thirty-eight pounds five shillings and two pence on certain services set forth in the First Schedule to this Law and not provided for or not fully provided for by the Appropriation Law, 1946, is hereby allowed and confirmed.

FIRST SCHEDULE

3.	Legislature	...	...	£736	11	5
12.	Census	...	...		2	5
13.	Central Housing Authority	...	...	47,051	1	0
14.	Collector General, Part II	...	...	29,878	12	3
17.	Currency	...	...	1,552	2	0
25.	Income Tax and Stamp Duties	...	...	29,230	19	6
26.	Industrial School	...	...	1,405	18	10
28.	Lands	...	...	7,885	13	5
32.	Mental Hospital	...	...	11,078	1	1
33.	Miscellaneous, Part I	...	...	70,614	17	0
34.	Pensions	...	...	9,876	2	5
35.	Pensions of Widows and Orphans	...	...	655	6	2
36.	Police	...	...	62,405	14	5
37.	Post and Telegraphs	...	...	1,600	17	8
38.	Printing Office	...	...	1,007	17	5
39.	Prisons	...	...	8,617	5	1
49.	Subventions	...	...	229,394	11	8
55.	Public Works Recurrent	...	...	8,941	8	11
59.	Prices Stabilization	...	...	176,313	2	9
61.	Loans and Long Term Advances	...	...	6,591	19	9
				£704,838	5	2

No. 40—1948

I assent,

[L. S.]

J. HUGGINS,

Governor.

25th November, 1948

A LAW to provide for the establishment of a Teaching Hospital and for the establishment and incorporation of a Board of Management for such Hospital and to confer upon such Board all such powers as may be necessary or expedient for constructing, equipping, furnishing, establishing, maintaining, controlling and operating such Hospital and for exempting such Board of Management from the payment of import duties and tonnage tax and stamp duties, legacy duty and of succession duty and for exempting from estate duty any devises or bequests to such Board of Management, and for purposes incidental to or connected with the foregoing purposes.

[26th November, 1948]

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1—This Law may be cited as the University College Hospital Law, 1948. Short title.

Interpreta-
tion.

2—In this Law—

“the Board” means the University College Hospital Board of Management constituted under this Law;

“employee” means any person employed in any capacity by the Board pursuant to the provisions of this Law;

“Hospital” means the Hospital established pursuant to the provisions of this Law.

Establish-
ment of
University
College
Hospital.

3—There shall be established at Mona in the parish of Saint Andrew a teaching hospital to be known as the University College Hospital capable of providing before the 1st day of January, 1955, accommodation for not less than five hundred patients and such facilities for the instruction in each year of not less than thirty medical students in such subjects as are usually provided in medical schools forming part of or related to the University of London.

Establish-
ment of
Board.

4—(1) There is hereby established a body corporate to be known as the University College Hospital Board of Management which shall have perpetual succession and a common seal and power to acquire by purchase, barter, exchange, devise, bequest, gift or other manner whether similar to the foregoing or not and to hold and dispose of by sale, barter, exchange, gift or any other manner whether similar to the foregoing or not land and other property of whatever description.

(2) The seal of the Board shall be authenticated by the signature of the chairman, or one member of the Board authorised to act in that behalf, and the secretary of the Board, and such seal shall be officially and judicially noticed.

(3) All documents, other than those required by law to be under seal, made by, and all decisions of, the Board may be signified under the hand of the chairman, any member of the Board authorised in that behalf or the secretary of the Board.

(4) The Board may sue and be sued in their corporate name and may for all purposes be described by such name,

(5) The powers of the Board shall not be affected by any vacancy in the membership thereof, nor by the fact that it is afterwards discovered that there was some defect in the appointment or qualifications of a person purporting to be a member of the Board.

5—The duties of the Board shall be—

Duties of
Board.

- (a) to construct, equip, furnish, maintain, manage, control and operate the University College Hospital together with all such schools for the training of hospital nurses or hospital technicians of any description as the Board may think requisite for ensuring that the University College Hospital is at all times adequately provided with hospital nurses and technicians;
- (b) to make all such appointments as may be necessary to enable the duties imposed by paragraph (a) of this section to be fully and effectually performed;
- (c) to prepare and to submit to the Governor in Executive Council not later than the thirty-first day of December in each year, a report of the activities of the Board and a financial statement of all receipts and expenditure by the Board during the preceding year ending thirty-first August, and such report and financial statement shall be laid on the table of the House of Representatives;
- (d) to prepare and to submit to the Governor in Executive Council for approval not later than the thirty-first day of December in each year an estimate of all revenue likely to be received and expenditure likely to be incurred during the next financial year upon or in respect of the Hospital together with a forecast of all expenditure likely to be incurred upon or in connection with any activities associated with such Hospital.

6—In addition to any powers conferred by any other section of this Law the Board shall have the following powers—

General
powers of
Board.

- (a) to make standing orders regulating the date, time and place of meeting of the Board and the conduct of business and the procedure to be followed at any meeting of the Board, so, however, that such standing orders shall provide that no business except the business of adjourning to some other day and time shall be transacted at any meeting of the Board unless there are present not less than four members of the Board (including the chairman or the acting chairman), and at least one of such members is a nominated member;
- (b) to delegate the performance of any duty imposed or the exercise of any power conferred by or under this Law upon the Board to a sub-committee composed of so many and such members of the Board and so many and such (if any) persons other than members of the Board as the Board may appoint, so, however, that no act of any sub-committee shall have any effect unless such act is ratified by the Board not later than the next meeting but one of the Board after the meeting of the sub-committee at which such act was done;
- (c) to borrow money and to secure the repayment of any money so borrowed by mortgaging or pledging any property of the Board or by the issue of debentures, debenture stock or scrip or otherwise;
- (d) to draw, negotiate and accept bills of exchange, cheques and promissory notes;
- (e) to enter into all such contracts as the Board may consider necessary or expedient to be entered into for the due performance of any duty imposed or the effective exercise of any power conferred upon the Board by or under this Law;
- (f) to incur all such expenditure as the Board may consider necessary or expedient for the due performance of any duty imposed or the effective exercise of any power conferred upon the Board by or under this Law;

- (g) such other powers as the Governor in Executive Council may by order confer upon the Board at the request of the Board.

7—(1) Subject to the provisions of sub-section (2) of this section the Board may make bye-laws—

Power to
make bye-
laws.

- (a) prohibiting or restricting the access of members of the public or of any class of members of the public to any premises vested in or occupied by the Board or to any portion of such premises;
- (b) regulating the hours during which, the means whereby, the purposes for which and the conditions subject to which members of the public or any class of members of the public may have access to or egress from any premises vested in or occupied by the Board or any portion of such premises;
- (c) for ensuring the maintenance of good order and discipline amongst members of the public at any time when upon any premises vested in or occupied by the Board;
- (d) for preventing the unauthorised or improper use of or the wilful or negligent occasioning of injury to any property vested in or occupied by the Board.

(2) Bye-Laws under this section shall be of no effect until such time as they are approved by the Governor in Executive Council and are published in the Gazette.

(3) Every person who contravenes any bye-law under this section shall be guilty of an offence against this section and on summary conviction thereof before a Resident Magistrate shall be liable to a fine not exceeding forty shillings and in default of payment of such fine to be imprisoned for any term not exceeding thirty days.

(4) For the purposes of this section members of the Board, employees of the Board, medical or other students at the Hospital or at any school maintained by the Board pursuant to this Law and in-patients at any such Hospital shall not be deemed to be members of the public.

Regulations.

8—(1) Subject to the provisions of this section the Board may make such regulations as may be necessary or expedient generally, provided that no regulation may be made without the approval of the Governor in Executive Council.

- (a) for securing the full and effectual performance of any duty imposed and exercise of any power conferred upon the Board by or under this Law;
- (b) for securing the proper, efficient and economic maintenance, management, organisation, administration and operation of the University College Hospital, and of any clinic, out-patients department, laboratory, research or experimental station or school operated by the Board;
- (c) for securing the proper, efficient and economic maintenance, management, administration, organisation and use of any facilities or services of any description provided by or at the expense of the Board at the University College Hospital or elsewhere;
- (d) for securing the health and safety of all persons upon any premises vested in or occupied by the Board;
- (e) for the preservation of all property vested in the Board and for the proper and economic use of all such property.

(2) Without prejudice to the generality of the provisions of sub-section (1) of this section regulations under this section may—

- (a) regulate or restrict the admission to the Hospital or the attendance at any clinic or out-patients department maintained by the Board of any patients, and provide for the conditions upon which patients may be so admitted or may so attend, and for the maintenance of good order and discipline amongst patients at any time when upon any premises vested in or occupied by the Board, and for the discharge of patients from the Hospital;
- (b) provide for the accommodation, maintenance, care and treatment of and for the regimen to be followed by any patients admitted to the Hospital;

- (c) provide for the treatment of patients attending any clinic or out-patients department operated by the Board;
- (d) regulate or restrict the possession or use of articles of any description by any patients at any time when upon any premises vested in or occupied by the Board;
- (e) regulate or restrict the attendance at the Hospital or at any clinic, out-patients department or school operated by the Board of medical students and of other students and provide for the conditions upon which such students may so attend;
- (f) regulate or restrict the use of any educational, social or recreational facilities or amenities provided by or at the expense of the Board or upon any premises vested in the Board by medical students or other students;
- (g) provide for the maintenance of good order and discipline amongst medical students at any time when upon any premises vested in or occupied by the Board;
- (h) provide for the maintenance of good order and discipline at all times amongst employees and students other than medical students permitted to attend the Hospital or any clinic, out-patients department or school operated by the Board;
- (i) prescribe the course of study to be pursued and the examinations to be taken by and provide for ensuring the diligent attention to their studies of any students other than medical students admitted to attend at the Hospital or at any clinic, out-patients department or school operated by the Board;
- (j) prevent the improper or unauthorised use of, or the wilful or negligent loss of or damage to, any property vested in or occupied by the Board by any employee or student;

- (k) provide for the allocation of their duties amongst employees and for ensuring the due performance of those duties by such employees;
- (l) provide for the holding of enquiries into alleged breaches of regulations by any employee or medical or other student admitted to attendance at the Hospital or at any clinic, out-patients department or school operated by the Board and for the person by whom such enquiries are to be held and for the procedure to be followed at such enquiries;
- (m) provide for the penalties by way of fine, suspension from employment or from attendance at the Hospital or at any clinic, out-patients department or school operated by the Board or from the use of any educational, social or recreational facilities provided by or at the expense of the Board or upon any premises vested in or occupied by the Board, or dismissal or expulsion from the Hospital of any employee, medical student or other student who after due enquiry is found to have committed any contravention of any regulations applicable to such employee, medical student or other student, as the case may be;
- (n) prescribe the fees to be payable in respect of any accommodation, treatment, instruction, amenities, facilities, services or materials of any description provided by or at the expense of the Board whether at the Hospital or elsewhere and provide for the manner in which such fees shall be collected, accounted for and disposed of, so, however, that regulations shall not be made under this paragraph prescribing the payment of any fees by medical students in respect of instruction.

(3) Regulations under paragraph (l) of sub-section (2) of this section shall provide for any employee, medical student or other student who is alleged to have committed any breach of any rule in respect of which an enquiry is held to be afforded an opportunity of hearing the whole of

the evidence against him and of cross-examining any witnesses who give evidence against him and of giving evidence and calling witnesses upon his own behalf.

Provided, however, that an employee charged for any breach of any rule shall have the right to elect another person to defend him or appear on his behalf.

(4) Regulations under paragraph (m) of sub-section (2) of this section shall not provide for the imposition—

- (a) upon any employee of any greater penalty than a fine of three days pay except with the approval of the Board;
- (b) upon a student other than a medical student of any greater penalty than a fine of ten shillings except with the approval of the Board;
- (c) upon a medical student of any penalty—
 - (i) other than suspension for a period not exceeding twelve months from the use of any educational, social or recreational facilities or amenities provided by or at the expense of the Board or upon any premises vested in or occupied by the Board or exclusion for any prescribed period or permanently from admission to the Hospital or to any clinic, or out-patients department operated by the Board; or
 - (ii) in respect of any contravention of regulations made under this section committed elsewhere than upon premises vested in or occupied by the Board.

9—(1) The Board shall consist of a chairman and subject to the provisions of this section of six other members, three of whom shall be nominated members, two of whom shall be elected members and one of whom shall be an ex-officio member.

Composition
of Board.

(2) The chairman shall be elected by the members of the Board from amongst their own number or otherwise, so, however, that no person shall be elected as chairman who is the holder of any office of emolument under the Crown in Jamaica or who is or is eligible to be registered as a medical practitioner under any Law for the time being

in force in relation to the registration of medical practitioners in Jamaica.

(3) The nominated members shall be appointed by the Governor in Executive Council, so, however, that upon the commencement of this Law the persons specified in Part I of the Schedule to this Law shall be deemed to have been so appointed.

(4) Subject to the provisions of this section the elected members shall be elected by the Provisional Council of the University College of the West Indies: Provided that—

(a) upon the commencement of this Law the persons specified in Part II of the Schedule to this Law shall be deemed to have been so elected; and

(b) at any time after the incorporation by any instrument having the force of Law in Jamaica of a University College of the West Indies, the governing body of such University College may, by notice in writing require the elected members or either of them elected by the Provisional Council in this sub-section referred to or deemed to have been so elected to resign from membership of the Board; and

(c) upon the occurrence at any time after the incorporation by any instrument having the force of Law in Jamaica of a University College of the West Indies of any vacancy in the number of the elected members elected or deemed to have been elected by the Provisional Council of the University College of the West Indies (whether such vacancy arises pursuant to the provisions of paragraph (b) of this proviso or otherwise) such vacancy shall be filled by election by the governing body of such University College.

(5) Subject to the provisions of this section the ex-officio member shall be the Medical Adviser to the University College of the West Indies: Provided, however, that—

(a) upon the commencement of this Law the person specified in Part III of the Schedule to this Law shall be deemed to be such ex-officio member; and

- (b) upon the incorporation by any instrument having the force of Law in Jamaica of a University College of the West Indies, this sub-section shall take effect as if for the reference to the Medical Adviser to the University College of the West Indies there were substituted a reference to the Dean of the Medical School of such University College.

(6) At any time after the incorporation by any instrument having the force of Law in Jamaica of a University College of the West Indies, the Governor in Executive Council may, subject to the provisions of sub-section (7) of this section, by order vary the composition of the Board: Provided that any order under this section shall provide—

- (a) for the Dean of the Medical School of the University College of the West Indies and at least one member of the medical staff of the Hospital to be ex-officio members of the Board;
- (b) for at least two of the elected members of the Board to be elected by the governing body of the University College of the West Indies;
- (c) for the remainder, if any, of the elected members of the Board to be elected by bodies responsible for or interested in the welfare of patients attending the Hospital;
- (d) for the bodies by whom and the manner in which the elected members referred to in paragraph (c) of this sub-section shall be elected.

(7) No order shall be made under this section except upon and in accordance with the recommendation of the Board.

10—(1) The first chairman shall be elected by the Board so soon as may be after the commencement of this Law and in any case within three months of such commencement. In the event of any vacancy in the office of chairman a new chairman shall be elected so soon as may be and in any case within three months after the occurrence of any such vacancy.

Special provisions relating to chairman.

(2) At any time when the office of chairman is vacant or the chairman is incapable of acting or has been granted leave by the Board the Board may appoint one of its members to act as chairman until such time as the office of chairman is filled or until the chairman becomes capable of acting or until the expiration of the leave of absence granted to the chairman, as the case may be, and any person so appointed shall have for the duration of his appointment all the powers of the chairman.

(3) If the chairman or the acting chairman fails to attend any meeting of the Board the members present at such meeting may elect one of their number to act as chairman at such meeting.

Tenure of
office and
vacation of
seats.

11—(1) Subject to the provisions of sub-section (2) of this section every member of the Board except an ex-officio member shall hold office for such period from the date of his appointment or election as the case may be as may be determined by the person or the body by whom he is appointed or elected.

(2) Every member of the Board shall be deemed to have vacated his seat on the Board if—

- (a) he dies or becomes bankrupt; or
- (b) there is passed by the Board a resolution declaring that he has become incapable by reason of mental or bodily infirmity of discharging his duties; or
- (c) there is passed by the Board a resolution declaring that he has during two consecutive months been absent from not less than one-half of the meetings of the Board without the leave of the Board first had and obtained; or
- (d) he tenders his resignation in writing to the Board; or
- (e) he is the chairman of the Board or a nominated member of the Board or an elected member of the Board upon the expiry of the period for which he was appointed or elected as chairman or as a nominated member of the Board or as an elected member of the Board as the case may be; or

(f) he is an ex-officio member of the Board; upon his ceasing to hold the office by reason of the holding of which he is an ex-officio member of the Board.

(3) Every elected or nominated or ex-officio member who is elected by the Board as chairman of the Board shall upon being so elected be deemed to have vacated his seat as an elected, nominated or ex-officio member, as the case may be.

(4) So soon as may be after any member of the Board is deemed to have vacated his seat on the Board pursuant to the provisions of sub-section (2) or sub-section (3) of this section another person shall be appointed or elected as a member of the Board in place of the member who is deemed to have vacated his seat on the Board by the person or body of persons by whom the member so deemed to have vacated his seat was appointed or elected.

12—The accounts of the Board shall be audited annually under such arrangements and in such manner as may be approved by the Auditor General and the members, officers and servants of the Board shall grant to the person conducting such audit access to all the books, documents, cash and securities of the Board and shall give to him on request all such information as shall be within their knowledge in relation to the operation of the Board.

Audit.

13—Notwithstanding anything to the contrary no import duty or tonnage tax shall be payable upon any articles imported into Jamaica or taken out of bond in Jamaica by the Board.

Exemption from import duty and tonnage tax.

14—The Schedule to the Stamp Duty Law is hereby amended by the addition under the heading "GENERAL EXEMPTIONS FROM ALL STAMP DUTIES" (immediately following the last paragraph thereof) of the following:—

Exemption from stamp duties.

Cap. 197.

"All instruments executed by or on behalf of the University College Hospital Board of Management constituted under the University College Hospital Law, 1948."

15—Section 18 of the Estate Duty Law is hereby amended by the insertion after sub-section (3) of the section of the following sub-section as sub-section (4) of the section—

Amendment of Estate Duty Law. Cap. 194.

“(4) Estate duty shall not be payable in respect of any estate or interest in land or any personal property of any description devised or bequeathed to the University College Hospital Board of Management constituted under the University College Hospital Law, 1948.”

Amendment
of Legacy
Duty Law.
Cap. 196.

16—The Legacy Duty Law is hereby amended by the insertion after section 20 of the following section as section 21—

“Exemption
from legacy
duty.

21—Legacy duty shall not be payable in respect of any legacy given for or to be enjoyed by the University College Hospital Board of Management constituted under the University College Hospital Law, 1948.”

Amendment
of Section 4
of Succession
Duty Law.
Cap. 196.

17—Section 4 of the Succession Duty Law is hereby amended by the insertion after paragraph (4) of the section of the following paragraph as paragraph (5)—

“(5) The University College Hospital Board of Management constituted under the University College Hospital Law, 1948, shall not be liable to pay duty upon any succession.”

(Section 9)

SCHEDULE

PART I

Director of Medical Services of Jamaica..
Charles Eliot deMercado D'Costa, J.P.
Minister for Social Welfare Services of Jamaica.

PART II

Ludlow Murcott Moody, M.D., B.S., (London), M.R.C.P., (London).
Hugh Worrell Springer, M.A., (Oxon).

PART III

Bernard Warren Williams, B.M., B.Ch., (Oxon), F.R.C.S., England.

No. 41--1948

I assent,

[L.S.]

J. HUGGINS,

Governor.

2nd December, 1948.

A LAW to Repeal the Rum (Special Grade) Sales Tax Law, 1945, and all amendments thereto.

[22nd November, 1948]

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1—This Law may be cited as the Rum (Special Grade) Sales Tax (Repeal) Law, 1948, and shall come into operation on the 22nd day of November, 1948.

Short title
and com-
mencement.

2—The following Laws are hereby repealed—

Repeal.

- | | |
|-----------------------------------------------------------------------------|-----------------|
| (a) The Rum (Special Grade) Sales Tax Law, 1945; | Law 38 of 1945. |
| (b) The Rum (Special Grade) Sales Tax (Amendment) Law, 1947; | Law 10 of 1947. |
| (c) The Rum (Special Grade) (Extension and Validation) Sales Tax Law, 1948. | Law 30 of 1948. |

No. 42—1948

I assent,

[L.S.]

J. HUGGINS,

Governor.

2nd December, 1948.

A LAW to Amend the Water Commission (Corporate Area) Law.

[9th December, 1948]

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1—This Law may be cited as the Water Commission (Corporate Area) (Amendment) Law, 1948, and shall be read and construed as one with the Water Commission (Corporate Area) Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and construction.

Cap. 66.

2—The principal Law is hereby amended by the insertion next after section 29 of the following section as section 29A—

Insertion of
section 29A in
principal
Law.

"Power to
lease land.

29A—Any lands vested in the Colonial Secretary or in the Commission under this Law and any lands acquired for the purposes of the Works may, with the prior sanction of the Governor, be leased by the Commission."

No. 43—1948

I assent,

[L.S.]

J. HUGGINS,

Governor.

6th December, 1948.

A LAW to Regulate the Growing, Processing, Purchase and Sale of Coffee in Jamaica and the Export of Coffee from Jamaica and to Encourage the Development of the Coffee Industry for purposes incidental to or connected with any of the foregoing purposes.

[9th December, 1948]

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1—This Law may be cited as the Coffee Industry Regulation Law, 1948. Short title.

2—In this Law—

“approved association” means any association approved under section 12 of this Law;

Interpreta-
tion.

“coffee product” means any article the principal constituent of which is coffee;

"coffee works" means any plant, machinery, appliances, mills or apparatus, whether similar to the foregoing or not, and any premises, used for the curing, drying, pulping, washing, cleaning, processing or preparation for sale of any coffee berries or for the manufacture of any coffee product;

"nursery" means any nursery for the cultivation of coffee plants or coffee seedlings.

Establishment and incorporation of the Board.

3—There is hereby established a body corporate which shall be known as the Coffee Industry Board which shall have perpetual succession and a common seal and which may sue and be sued in its own name.

General duties of Board.

4—The Board shall—

- (a) do all such acts as may lawfully be done, or but for the provisions of this Law might lawfully have been done, by any individual which the Board having due regard to the financial resources at its disposal may consider most expedient for the encouragement and development of the coffee industry in Jamaica and for the promotion of the welfare of persons engaged in that industry;
- (b) upon being required so to do by the Governor in Executive Council, make recommendations to the Governor in Executive Council as to any matter directly or indirectly affecting, relating to or connected with the coffee industry or persons engaged in that industry;
- (c) perform such other duties in relation to or connected with the coffee industry or persons engaged in that industry as the Governor in Executive Council may by order require to be performed by the Board.

Powers of Board in relation to property.

5—The Board may in its absolute discretion—

- (a) acquire by purchase, exchange, gift, devise or in any other manner, whether similar to the foregoing or not, any estate or interest or rights or

encumbrances in, over or upon any real property and lease or rent any land and hold any estate, interest, rights or encumbrances in, over or upon any real property so acquired or any land so leased or rented; and

- (b) mortgage, charge, sell, exchange, surrender, give away or dispose of in any manner, whether similar to the foregoing or not, any estate, interest, right or encumbrance in, over or upon any real property held by the Board and create any estate or interest, right or encumbrance in, over or upon any real property so held by the Board and grant leases of or rent any land so held; and
- (c) acquire by purchase, barter, gift, bequest or in any other manner, whether similar to the foregoing or not, any personal property and rent or accept the bailment (whether for reward or otherwise) of any personal property and hold any personal property so acquired, rented or bailed; and
- (d) sell, barter, exchange, charge, pledge, give away or dispose of in any manner, whether similar to the foregoing or not, and lend, rent or bail (whether for reward or otherwise) any personal property so held by the Board,

as fully and effectually as if the Board were an individual of full age and not under disability.

6—Without prejudice to the generality of any other power conferred by or under this Law and notwithstanding anything to the contrary in any regulations under this Law, the Board may in its absolute discretion—

Special
powers of
Board.

- (a) establish, maintain and operate any nurseries; and
- (b) import, cultivate, sell, give away, distribute, export or otherwise dispose of any coffee seedlings or coffee plants; and

- (c) establish, maintain and operate any coffee plantations or coffee works;
- (d) cultivate, dry, cure, pulp, clean, wash or process in any other manner any coffee berries and manufacture any coffee product and purchase, prepare for market, store, transport, distribute, sell or export any coffee berries or any coffee product; and
- (e) establish, maintain or operate research stations for
 - (i) investigating the cause, incidence, prevention, control or eradication of any disease likely to be prejudicial to the interests of the coffee industry;
 - (ii) investigating the types of coffee which and the conditions under which, and the manner in which coffee may most advantageously be cultivated in Jamaica or in any area in Jamaica;
 - (iii) investigating the conditions under which and the manner in which coffee may most advantageously be cured, dried, pulped, washed, cleaned, processed, stored, prepared for market, transported or exported from Jamaica;
 - (iv) improving the yield or other economic value of coffee or of any type of coffee;
 - (v) investigating the types of coffee products most suitable for manufacture in Jamaica and the conditions under which and the manner in which any such products may be most advantageously manufactured, stored, processed, prepared for market, transported or exported;
 - (vi) investigating any other matter the investigation of which may in the opinion of the Board be necessary or expedient in the interests of the coffee industry;

- (f) do any of the acts or things referred to in paragraphs (a) to (e) (both inclusive) of this section on behalf of or as agent for or in partnership with any other person or finance the doing of any such acts or things by any other person;
- (g) execute, accept, endorse and negotiate bills of exchange, cheques and promissory notes on its own behalf or on behalf of any other person;
- (h) borrow money and give security for the repayment of any money so borrowed by mortgaging or pledging any assets of the Board or by the issue of debentures or scrip of any description;
- (i) lend money to any person for the doing of any of the acts or things referred to in paragraphs (a) to (e) (both inclusive) of this section or guarantee or give security (whether for reward or otherwise) for the repayment of any monies borrowed by any person other than the Board, from any other person for the doing of any of the acts or things referred to in paragraphs (a) to (e) (both inclusive) of this section.

7—(1) The Board with the approval of the Governor in Executive Council may make regulations—

Regulation
making
section.

- (a) providing for the constitution of one or more advisory committees of coffee growers, coffee dealers, manufacturers of coffee products or other persons interested in the coffee industry and for the functions to be performed by such committees and the appointment of the members of such committees and the conduct of business and procedure to be followed at meetings of such committees;
- (b) prescribing the time at which, the term for which and the manner in which representative members of the Board may be elected by approved associations and the procedure to be followed at such elections;

- (c) providing for the registration, subject to such exemptions as may be specified—
 - (i) of all nurseries or of any particular class of nursery; or
 - (ii) of all coffee growers or of any particular class of coffee growers; or
 - (iii) of all coffee works or any particular class of coffee works; or
 - (iv) of all dealers in coffee or of any particular class of dealers in coffee;
- (d) providing for the keeping of any register pursuant to the provisions of paragraph (c) of this subsection and the form of any such register and the procedure to be followed in relation to the registration of any person or undertaking required to be registered pursuant to such paragraph and the fees to be paid in respect of such registration;
- (e) providing, subject to such exemptions as may be specified, for the licensing (including the grant and the refusal of licences) of—
 - (i) the operators of coffee nurseries or coffee works or of any particular class of coffee nursery or coffee works; or
 - (ii) all coffee dealers or of any particular class of coffee dealers;
- (f) providing for the form of application for any licence pursuant to the provisions of paragraph (e) of this section and the fees to be paid upon such application and the procedure to be followed upon such application and in relation to the grant or refusal of any such licence and the form and conditions of any such licence;
- (g) prohibiting or restricting, subject to such exemptions as may be specified, the establishment, maintenance or operation by any person other than the Board except under and in accordance with the terms of a licence granted by the Board of any nursery or any coffee works;

- (h) prohibiting, restricting or regulating, subject to such exemptions as may be specified, the purchase, sale, distribution and the price to be paid for any coffee plants or coffee seedlings grown in any nursery;
- (i) regulating the operation of any nursery or of any coffee works;
- (j) prohibiting, restricting or regulating, subject to such exemptions as may be specified, the export from Jamaica of any coffee or coffee product by any person other than the Board;
- (k) prohibiting, restricting or regulating, subject to such exemptions as may be specified any dealings or any particular class of dealings in coffee berries, coffee or any coffee product by any person other than the Board;
- (l) prohibiting, restricting or regulating, subject to such exemptions as may be specified, the growing, picking, curing, drying, pulping, washing, cleaning, processing in any manner, preparing for market, storing, packing, transporting, distributing, purchase or sale of any coffee berries;
- (m) prohibiting, restricting or regulating, subject to such exemptions as may be specified, the manufacture, processing, preparing for market, storing, packing, transporting, distributing, purchase or sale of any coffee product;
- (n) prescribing the grades and types and quality of coffee and of any coffee product;
- (o) prescribing the prices to be paid to the grower, processor, manufacturer or dealer in coffee or any coffee product in respect of any grade, type or quality of coffee or coffee product, so, however, that different prices may be fixed in respect of the same grade, type or quality of coffee or coffee product if delivered at different delivery points or

in respect of the same grade, type or quality of coffee or coffee product purchased or sold by dealers of different categories;

- (p) regulating the delivery points of coffee berries and the persons to whom delivery may be made of coffee berries;
- (q) prescribing, subject to such exemptions as may be specified, the records to be kept by any person who is required pursuant to paragraph (c) of this sub-section to be registered or who has control of any undertaking so required to be registered or who is required pursuant to the provisions of paragraph (e) of this sub-section to be licensed;
- (r) prescribing, subject to such exemptions as may be specified, the returns to be made by any person who is required to be registered pursuant to the provisions of paragraph (c) of this sub-section or who has the control of any undertaking so required to be registered or who pursuant to the provisions of paragraph (e) of this sub-section is required to be licensed or who is liable to pay any cess under this Law and the time at which and the form in which any such returns are required to be made and the particulars to be contained in such returns;
- (s) requiring, subject to such exemptions as may be specified, any person who is required pursuant to the provisions of paragraph (c) to be registered or who has the control of any undertaking so required to be registered or who is licensed or who is liable to pay any cess under this Law, to furnish to the Board or to some person designated by the Board such information in relation to the growing, picking, curing, drying, pulping, washing, cleaning, processing, transporting, distributing, purchase, sale or manufacture of any coffee plants, coffee seedlings, coffee berries or coffee product in such form as may be prescribed;

- (t) providing for the entry at all reasonable times during the hours of daylight by persons appointed by the Board upon any land on which coffee is grown or upon any premises used or believed by the Board to be used or to be about to be used for any purpose connected with the processing of coffee berries or the manufacture of any coffee product or the storage, purchase, sale, export or distribution of any coffee berries or coffee product;
- (u) prescribing the penalties for any contravention of any regulations made under this section;
- (v) prescribing the form in which and the time within which any person aggrieved by any decision of the Board may appeal to the Governor in Executive Council against such decision;
- (w) providing for the collection of any cess imposed under section 9 of this Law.

(2) Notwithstanding the provisions of section 26 of the Interpretation Law, 1943, regulations made under sub-section (1) of this section may prescribe a greater penalty than a fine not exceeding twenty-five pounds in respect of any offence in relation to the purchase, sale or export of any coffee or coffee product or in relation to the manufacture of any coffee product, so, however, that the maximum fine prescribed in relation to any such offence shall not exceed treble the value of the coffee or coffee product in respect of the purchase, sale, export or manufacture of which the offence is committed.

Law 17 of
1948.

8—(1) Every person aggrieved by any decision of the Board may appeal to the Governor in Executive Council in accordance with the provisions of regulations made under section 7 of this Law.

Appeals

(2) Where any person appeals to the Governor in Executive Council against any decision of the Board the Governor in Executive Council shall consider such appeal at such time and in such manner either in the presence or in the absence of the appellant and shall make such order in relation to such appeal as the Governor in Executive Council in his absolute discretion thinks fit.

(3) Any decision by the Governor in Executive Council upon any appeal pursuant to the provisions of this section shall finally dispose of the matter to which the appeal relates and thereafter no proceedings shall be capable of being entertained by any Court of Law in respect of such subject matter.

Cess.

9—(1) Subject to the provisions of sub-section (2) of this section the Board may, on or before the first day of April in any calendar year, impose a cess upon the proceeds of the sale by any person in Jamaica of any coffee or any coffee product whether such sale takes place in Jamaica or elsewhere during the financial year commencing on such first day of April.

(2) No cess imposed under sub-section (1) of this section shall be of any effect unless and until approved by the Governor in Executive Council by order.

Fees.

10—All fees paid pursuant to the provisions of any regulation made under section 7 of this Law shall be paid to the Board and shall form part of the assets of the Board.

Reports and
estimates.

11—(1) The Board shall submit to the Governor in each calendar year or before some date specified by the Governor in Executive Council a report upon its activities during the preceding calendar year together with a financial statement of all revenues received and expenditure incurred by the Board during such calendar year which shall be laid on the table of the House of Representatives.

(2) The Board shall on or before the first day of March, 1949, and on or before the first day of March in each succeeding calendar year submit for the approval of the Governor in Executive Council an estimate of its probable revenue and expenditure during the next ensuing financial year.

(3) The financial statement referred to in sub-section (1) of this section and the estimate referred to in sub-section (2) of this section shall be in such form and contain such particulars as the Governor in Executive Council may from time to time require.

(4) No expenditure shall be incurred by the Board in the financial year commencing on the first day of April, 1949, or in any subsequent financial year except—

- (a) financial expenditure included in the estimates for that year and approved by the Governor in Executive Council; or
- (b) expenditure not included in the estimates for that financial year but the incurring of which has been specially approved by the Governor in Executive Council.

12—(1) The Board shall consist of one official member, one nominated member and five representative members. Membership
of Board.

(2) The Governor in Executive Council shall appoint—

- (a) the one official member of the Board from amongst persons holding offices of emolument under the Crown in Jamaica; and
 - (b) the nominated member of the Board,
- and such official and nominated members shall hold office for such term as may be determined by the Governor in Executive Council.

(3) Subject to the provisions of sub-section (6) of this section three of the representative members (in this section referred to as growers' representatives) shall be

electd by an association of coffee growers approved in accordance with the provisions of sub-section (5) of this section and two of the representative members (in this section referred to as dealers' representatives) shall be elected by an association of coffee dealers approved in accordance with the provisions of sub-section (5) of this section.

(4) Subject to the provisions of sub-section (7) of this section the representative members shall be elected in such manner and hold office for such term as may be prescribed.

(5) The Governor in Executive Council on being satisfied—

- (a) that any association of coffee growers or of coffee dealers has as one of its principal objects the furtherance of the interests of the growers of or of dealers in coffee, as the case may be; and
- (b) that a substantial proportion of its members are engaged in growing or in dealing in coffee, as the case may be; and
- (c) that its constitution is such as to ensure that the term of office of any member of its governing body does not exceed three years; so, however, that any member of the governing body may be eligible upon the expiration of any term of office to be re-elected for a further term of office; and
- (d) that all growers or dealers in coffee, as the case may be, are eligible upon equal terms for membership of the association or of some branch of the association or of some body or organisation affiliated to the association,

may declare such association to be an approved growers' association or an approved dealers' association, as the case may be, for the purposes of this Law.

(6) Until such time as any association is approved by the Governor in Executive Council under sub-section (5) of this section as an approved association of growers or as an approved association of dealers the growers' representatives or the dealers' representatives, as the case may be, shall be appointed by the Governor in Executive Council from amongst persons who are engaged in the growing of coffee or in dealing in coffee, as the case may be.

(7) Any representative members appointed by the Governor in Executive Council under sub-section (6) of this section shall hold office for such time as may be determined by the Governor in Executive Council, so however, that upon approving any association as an approved association of growers or as an approved association of dealers the term of office of any growers' representatives or dealers' representatives, as the case may be, appointed by the Governor in Executive Council shall be deemed to have determined.

13—The nominated member of the Board and any representative member of the Board (whether appointed by the Governor in Executive Council under sub-section (6) of section 12 of this Law or elected by an approved association under sub-section (3) of section 12 of this Law) shall be deemed to have vacated his office if—

Vacation of office.

- (a) he becomes insane; or
- (b) he is adjudicated a bankrupt or makes any composition or arrangement with his creditors; or
- (c) by writing under his hand addressed to the Colonial Secretary through the Chairman of the Board, or, if he is the Chairman of the Board, by writing under his hand addressed to the Colonial Secretary, he tenders his resignation as a member of the Board.

14—(1) The seal of the Board shall be authenticated by the signature of the chairman, or one member of the Board authorised to act in that behalf, and the secretary of the Board, and such seal shall be officially and judicially noticed.

Authentication of acts of Board.

(2) All documents, other than those required by law to be under seal, made by, and all decisions of, the Board may be signified under the hand of the chairman, any member of the Board authorised in that behalf, the manager or the secretary of the Board.

(3) The powers of the Board shall not be affected by any vacancy in the membership thereof, nor by the fact that it is afterwards discovered that there was some defect in the appointment or qualifications of a person purporting to be a member of the Board.

(4) The Board may sue and be sued in its corporate name and may for all purposes be described by such name.

Chairman.

15—(1) Members of the Board shall at their first meeting each calendar year elect from amongst their number a chairman who shall hold office until the first meeting of the Board in the next succeeding calendar year.

(2) In the event of the chairman being granted leave of absence in accordance with the provisions of section 16 of this Law the Board shall elect from amongst their number an acting chairman who shall have all the powers and perform all the duties of the chairman and shall hold office until the return of the chairman from leave or until the first meeting of the Board in the next succeeding calendar year whichever shall first occur.

Grant of
leave of
absence to
members.

16—(1) The Governor in Executive Council may, on the application of any official or nominated member, grant to such official or nominated member, as the case may be, leave of absence for any period not exceeding six months and may appoint some other person to act as official or nominated member during the period of leave of absence so granted.

(2) The Board may, on the application of any representative member, grant to such member leave of absence for any period not exceeding six months and may co-opt some other person eligible for election to the Board to act for such elected member during such period.

Co-option of
members.

17—Where any representative member dies or vacates his office the Board may co-opt a person eligible for election to the Board to fill such vacancy.

18—No member of the Board shall be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operations of the Board.

Liability of
members of
the Board.

19—(1) The Board shall hold monthly meetings for the transaction of its business, which shall be held at such time and place and on such days as the Board may determine.

Meetings
and
procedure
thereat.

(2) The chairman may at any time call a special meeting of the Board and shall call a special meeting within seven days of a requisition for that purpose addressed to him by any two members of the Board.

(3) The chairman shall preside at all meetings of the Board at which he is present, and in the case of his absence the members present and constituting a quorum shall elect one of their number to act as chairman of the meeting.

(4) At any meeting of the Board five members shall form a quorum for the transaction of business.

(5) All acts of the Board, and all questions coming or arising before the Board, shall be done and decided by the majority of such members of the Board as are present and vote. In case of an equality of votes, the chairman of the meeting shall have a second or casting vote.

(6) The Board may from time to time make standing orders for the transaction of its business, including the power to appoint any member or committee to whom they may delegate authority to carry out such portions of the duties committed to it as it may from time to time determine.

(7) The Board may from time to time delegate to any of its officers or servants authority to carry out such portions of the duties committed to the Board as the Board may from time to time determine.

20—(1) The Board may appoint and employ officers and servants upon such terms and conditions as it thinks fit: Provided that no officer or servant shall be employed at any salary in excess of five hundred pounds per annum unless with the prior approval of the Governor in Executive Council, nor shall any member of the Board be eligible to be appointed an officer or servant thereof.

Appointment
of officers
and
servants.

(2) The Governor may, subject to such conditions as he may impose, approve of the appointment of any officer in the service of the Island to any office under the Board : Provided that in relation to pension, gratuity, allowance, and to other rights as a public officer, such officer shall be deemed to be in the service of the Island while so employed.

THE JUVENILES LAW, 1948

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JAMAICA

No. 44—1948

I assent,

[L.S.]

J. HUGGINS,

Governor.

6th December, 1948.

A LAW to amend and simplify the law relating to juveniles, and to make provision in relation to the care or protection of juveniles and the trial and treatment of juvenile offenders, and for other matters connected therewith and relating thereto.

[The date of any Proclamation issued by the
Governor bringing the Law into operation.]

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

PART I

Preliminary

1—This Law may be cited as the Juveniles Law, 1948, and shall come into operation on a date to be appointed by the Governor by Proclamation published in the Gazette.

Short title
and com-
mencement.

Interpreta-
tion.

2—(1) In this Law—

“approved school” means a school approved by the Governor under section 35 or 36 of this Law;

“approved school order” means an order made by a court sending a juvenile to an approved school;

“the Authority” means the Authority for the Care and Protection of Juveniles established in accordance with the provisions of section 5 of this Law;

“child” means a person under the age of fourteen years;

“children’s home” means any institution, dwelling-house or other place where four or more children are boarded and maintained other than by a parent or lawful guardian, either gratuitously or for reward;

“contribution order” means an order made by a court under section 81 of this Law requiring any person to make contributions in respect of any juvenile committed to the care of a fit person or to an approved school;

“fit person” includes the Authority, a local authority, children’s home, or any association of persons whether corporate or unincorporate;

“guardian”, in relation to a juvenile, includes any person who, in the opinion of the court having cognizance of any case in relation to the juvenile or in which the juvenile is concerned, has for the time being the charge of or control over the juvenile;

“intoxicating liquor” means any fermented, distilled or spirituous liquor which cannot, save in certain specified circumstances, according to any Law for the time being in force be legally sold without a licence;

“juvenile” means a person under the age of seventeen years;

“juvenile court” means any juvenile court established in accordance with the provisions of this Law;

“local authority” means the Parochial Board of any parish or, in the cases of the parishes of Kingston and St. Andrew, the Kingston and St. Andrew Corporation;

“managers”, in relation to an approved school established or taken over by a local authority or by a joint committee representing two or more local authorities, means the local authority or the joint committee, as the case may be, and in relation to any other approved school means the persons for the time being having the management or control thereof;

“place of safety” means any place appointed by the Authority to be a place of safety for the purposes of this Law, or any hospital or other suitable place the occupier of which is willing temporarily to receive a juvenile;

“probation officer” means a person appointed under the Probation of Offenders Law, 1948, to be a probation officer; Law 27 of 1948.

“young person” means a person who has attained the age of fourteen years and is under the age of seventeen years.

(2) For the purposes of this Law any juvenile—

- (a) who, having no parent or guardian, or having a parent or guardian unfit to exercise care and guardianship or not exercising proper care and guardianship, is either falling into bad associations, or exposed to moral danger, or beyond control; or
- (b) in respect of whom any offence mentioned in the First Schedule to this Law has been committed or attempted to be committed; or
- (c) who is a member of the same household as a juvenile in respect of whom such an offence has been committed; or
- (d) who is a member of the same household as a person who has been convicted of such an offence in respect of a juvenile,

shall be considered to be in need of care or protection; and the fact that a juvenile is found destitute, or is found wandering without any settled place of abode and without visible means of subsistence, or is found begging or receiving alms (whether or not there is any pretence of singing, playing, performing or offering anything for sale), or is

found loitering for the purpose of so begging or receiving alms, shall, without prejudice to the generality of the provisions of paragraph (a) of this sub-section, be evidence that he is exposed to moral danger.

Age of
criminal re-
sponsibility.

3—It shall be conclusively presumed that no child under the age of eight years can be guilty of any offence.

General
considera-
tions for
guidance of
courts.

4—Every court, in dealing with a juvenile who is brought before it either as being in need of care or protection or as an offender or otherwise, shall have regard to the welfare of the juvenile and shall, if it deems it necessary, take steps for removing the juvenile from undesirable surroundings and for securing that proper provision is made for his education and training.

PART II

The Authority for the Care and Protection of Juveniles

Establish-
ment of the
Authority.

5—(1) For the purposes of this Law there shall be established an Authority to be known as the Authority for the Care and Protection of Juveniles.

(2) The Director of Education shall be Chairman of the Authority.

(3) Subject to the provisions of sub-section (2) of this section, the Authority shall be constituted and their proceedings shall be determined in accordance with regulations made by the Governor in Executive Council under section 84 of this Law.

Appointment
of staff of
Authority,
etc.

6—(1) The Governor may appoint, on such conditions as he may think fit, such officers and other persons as may be necessary to enable the Authority properly to carry out their duties under this Law to be members of the staff of the Authority.

(2) The Authority may take such steps as they think necessary and expedient for the proper carrying out of the provisions of this Law, and may appoint any person to be an authorised person for the purposes of section 13 of this Law.

(3) There shall be paid to the members of the Authority such allowances and expenses as may be prescribed.

7—Where it is necessary or expedient for the Authority to bring any juvenile before a juvenile court or to make any application before a court in relation to a juvenile, such proceedings may be brought in the name of the Authority by any person generally or specially appointed for such purpose by the Authority.

Proceedings
by the
Authority.

PART III

Prevention of Cruelty to and Protection of Juveniles

8—For the purposes of this Part of this Law—

Interpreta-
tion for
Part III.

- (a) any person who is the parent or legal guardian of a juvenile, or who is legally liable to maintain him, shall be presumed to have the custody of him, and as between father and mother the father shall not be deemed to have ceased to have the custody of him by reason only that he has deserted, or otherwise does not reside with, the mother and the juvenile;
- (b) any person to whose charge a juvenile is committed by any person who has the custody of him shall be presumed to have charge of that juvenile;
- (c) any other person having actual possession or control of a juvenile shall be presumed to have the care of him.

9—(1) Every person who, having attained the age of seventeen years and having the custody, charge or care of any juvenile wilfully assaults, ill-treats, neglects, abandons or exposes such juvenile, or causes or procures him to be assaulted, ill-treated, neglected, abandoned or exposed, in a manner likely to cause that juvenile unnecessary suffering or injury to health (including injury to or loss of sight, or hearing, or limb, or organ of the body, and any mental derangement), shall be guilty of a misdemeanour, and shall be liable—

Cruelty to
juveniles

- (a) on conviction on indictment before the Supreme Court, to a fine not exceeding one hundred pounds or to imprisonment with hard labour for any term not exceeding two years, or to both such fine and imprisonment;

- (b) on summary conviction before a Resident Magistrate, to a fine not exceeding twenty-five pounds or to imprisonment with hard labour for any term not exceeding three months, or to both such fine and imprisonment.
- (2) For the purposes of this section—
 - (a) a parent or other person legally liable to maintain a juvenile shall be deemed to have neglected him in a manner likely to cause injury to his health if, being able to do so, such parent or other person fails to provide adequate food, clothing, rest, medical aid or lodging for him;
 - (b) where it is proved that the death of an infant under three years of age was caused by suffocation (not being suffocation caused by disease or the presence of any foreign body in the throat or air passages of the infant) while the infant was in bed with some other person who has attained the age of seventeen years and was at the time of going to bed under the influence of drink or any drug, then that other person shall be deemed to have neglected the infant in a manner likely to cause injury to the infant's health;
 - (c) any person, having attained the age of seventeen years, who gives, or causes to be given, or sells or causes to be sold, to any child under the age of ten years any intoxicating liquor, except upon the order of a duly qualified medical practitioner, or in case of sickness, apprehended sickness, or other urgent cause, shall be deemed to have ill-treated that child in a manner likely to cause injury to the child's health;
 - (d) any person, having attained the age of seventeen years and having the custody, charge or care of any child under the age of seven years, who allows that child to be in any room or yard containing a stove, coal-stove, or open fire-place, not sufficiently protected to guard against the risk of that child being burnt or scalded, without taking reasonable precautions against the risk, and by reason thereof that child is killed or suffers serious injury, shall

be deemed to have neglected that child in a manner likely to cause injury to the child's health: Provided that neither this paragraph, nor any proceedings taken thereunder, shall affect the liability of any person to be indicted for manslaughter or for any offence against the Offences against the Person Law. Cap. 416.

(3) A person may be convicted of an offence under this section—

(a) notwithstanding that actual suffering or injury to health, or the likelihood of actual suffering or injury to health, was obviated by the action of another person;

(b) notwithstanding the death of the juvenile in respect of whom the offence is committed.

(4) Upon the trial of any person who has attained the age of seventeen years for infanticide or for the manslaughter of a juvenile of whom he had the custody, charge or care, it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under this section, to find him guilty of that offence.

(5) (a) If it is proved that a person convicted under this section was directly or indirectly interested in any sum of money accruing or payable in the event of the death of the juvenile and had knowledge that that sum of money was accruing or becoming payable, then—

(i) in the case of a conviction on indictment before the Supreme Court, the maximum amount of the fine which may be imposed under this section shall be two hundred pounds and the Court may, instead of any other penalty, sentence that person to imprisonment with hard labour for any term not exceeding five years;

(ii) in the case of a summary conviction before a Resident Magistrate, the maximum amount of the fine which may be imposed under this section shall be fifty pounds and the Resident Magistrate may, instead of any other penalty, sentence that person to imprisonment with hard labour for any term not exceeding six months.

(b) For the purposes of this sub-section—

- (i) a person shall be deemed to be directly or indirectly interested in a sum of money if he has any share in or any benefit from the payment of that money, notwithstanding that he is not the person to whom it is legally payable;
- (ii) a copy of a policy of insurance, certified to be a true copy by an officer or agent of the insurance company granting the policy, shall be evidence that the juvenile therein stated to be insured has in fact been so insured and that the person in whose favour the policy has been granted is the person to whom the money thereby insured is legally payable.

(6) Nothing in this section shall be construed as affecting the right of any parent, teacher or other person having the lawful control or charge of a juvenile to administer reasonable punishment to him.

Begging.

10—(1) Every person who—

- (a) causes or procures any juvenile; or
- (b) having the custody, charge or care of a juvenile, allows him,

to be in any street, premises or place for the purpose of begging or receiving alms, or of inducing the giving of alms (whether or not there is any pretence of singing, playing, performing, offering anything for sale, or otherwise) shall be guilty of an offence against this Law.

(2) If a person having the custody, charge or care of a juvenile is charged with an offence under this section, and it is proved—

- (a) that the juvenile was in any street, premises or place for any such purpose as is mentioned in sub-section (1) of this section; and
- (b) that the person charged allowed the juvenile to be in the street, premises or place,

he shall be presumed to have allowed him to be in the street, premises or place for that purpose unless the contrary is proved.

(3) If any person while singing, playing, performing or offering anything for sale in a street or public place has with him a child who has been lent or hired out to him, the child shall, for the purposes of this section, be deemed to be in that street or place for the purpose of inducing the giving of alms.

11—(1) If it appears to a justice of the peace on information on oath laid by any person who, in the opinion of the justice, is acting in the interests of a juvenile that there is reasonable cause to suspect—

Warrant to
search for
and remove
juvenile.

- (a) that the juvenile has been or is being assaulted, ill-treated or neglected in a manner likely to cause that juvenile unnecessary suffering; or
- (b) that any offence mentioned in the First Schedule to this Law has been or is being committed in respect of the juvenile,

the justice may issue a warrant authorising any constable—

- (i) to search for the juvenile and, if it is found that the juvenile has been or is being assaulted, ill-treated or neglected in any such manner, or that any such offence has been or is being committed in respect of him, to take him to and detain him in a place of safety; or
- (ii) to remove the juvenile with or without search to a place of safety and to detain him there,

until, in either such case, the juvenile can be brought before a juvenile court.

(2) A justice issuing a warrant under this section may by the same warrant cause any person accused of any offence in respect of the juvenile to be apprehended and brought before a court of summary jurisdiction in order that proceedings may be taken against him according to Law.

(3) Any constable authorised by warrant under this section to search for any juvenile, or to remove any juvenile with or without search, may enter (if need be by force) any house, building or other place specified in the warrant and may remove him therefrom.

(4) The constable executing any warrant issued under this section may be accompanied by the person laying the information, if that person so desires, and may also, if the justice by whom the warrant is issued so directs, be accompanied by a duly qualified medical practitioner.

(5) It shall not be necessary in any information or warrant under this section to name the juvenile.

Detention of
juvenile in
place of
safety.

12—(1) A constable may take to a place of safety any juvenile in respect of whom any of the offences mentioned in the First Schedule to this Law has been, or there is reason to believe has been, committed, or who is, in accordance with the provisions of section 13 of this Law, about to be brought before a juvenile court.

(2) Any juvenile taken to a place of safety under this section, and also any juvenile who seeks refuge in a place of safety, may there be detained until he can be brought before a juvenile court; and every juvenile so detained shall be brought before a juvenile court at the earliest practicable opportunity.

Power to
bring
juveniles
needing care
or
protection
before court.

13—(1) Any constable or authorised person may bring before a juvenile court a juvenile in need of care or protection.

(2) For the purposes of this section the expression "authorised person" means—

- (a) any probation officer;
- (b) any member of the staff of the Authority appointed by the Authority under section 6 of this Law to be an authorised person;
- (c) any person appointed by the Authority on the recommendation of a welfare organisation.

Powers
of court.

14—(1) A juvenile court before which any juvenile is brought under this Part of this Law, or before which is brought any juvenile in respect of whom any of the offences mentioned in the First Schedule to this Law has been committed, may, if satisfied that the welfare of the juvenile so requires, make an order—

- (a) sending him to an approved school; or

- (b) committing him to the care of any fit person, whether a relative or not, who is willing to undertake the care of him; or
- (c) requiring his parent or guardian to enter into a recognizance to exercise proper care and guardianship; or
- (d) placing him, either in addition to, or without making, any order under paragraph (b) or (c) of this sub-section, for a specified period, not exceeding three years, under the supervision of a probation officer, or some other person to be selected for the purpose by the Authority.

(2) (a) If a juvenile court before which any juvenile is brought is not in a position to decide whether any or what order ought to be made under this section, it may make such interim order as it thinks fit for the juvenile's detention or continued detention in a place of safety, or for his committal to the care of a fit person, whether a relative or not, who is willing to undertake the care of him.

(b) Any interim order made under this sub-section shall not remain in force for more than thirty days; but at any time within such period the court may, if it considers it expedient so to do, make a further interim order; so, however, that in no case shall any interim order or orders made under this sub-section remain in force for more than sixty days after the date of the first order made under this sub-section.

(c) If the juvenile court by which an interim order is made is satisfied on any occasion that, by reason of illness or accident, the juvenile is unable to appear personally before the court, any further interim order which the court has power to make on that occasion may be made in the absence of the juvenile.

15—The parent or guardian of a juvenile may, with the approval of the Authority, bring the juvenile before a juvenile court, and where such parent or guardian proves to the court that he is unable to control the juvenile, the court, if satisfied—

Power of
parent or
guardian to
bring
juvenile
before court.

- (a) that it is expedient so to deal with the juvenile;
and

(b) that the parent or guardian understands the results which will follow from, and consents to the making of, the order,
may order the juvenile—

- (i) to be sent to an approved school; or
- (ii) to be committed to the care of any fit person, whether a relative or not, who is willing to undertake the care of him; or
- (iii) to be placed for a specified period, not exceeding three years, under the supervision of a probation officer, or of some other person to be selected for the purpose by the Authority.

Disposal of
juvenile
by order
of court.

16—(1) Where a person having the custody, charge or care of a juvenile has been—

- (a) convicted, in respect of that juvenile, of any of the offences mentioned in the First Schedule to this Law; or
 - (b) committed for trial for any such offence; or
 - (c) bound over to keep the peace towards that juvenile,
- by any court, that court may order that juvenile to be brought before a juvenile court with a view to the juvenile court making an order under section 14 of this Law, and shall direct that the Authority and the probation officer be informed as soon as practicable of the order made.

(2) Where any court has, under this section, made an order directing that a juvenile be brought before a juvenile court, it shall be the duty—

- (a) of the complainant, if he is a constable, in the proceedings against the person having the custody, charge or care of the juvenile;
 - (b) if that complainant is not a constable, of the senior constable present in court at the time that the order was made,
- to bring the juvenile before the juvenile court.

PART IV

Juvenile Courts and the Trial of Juvenile Offenders

Separation
in police
stations, etc.,
of juveniles
from adults.

17—Arrangements shall be made by the Commissioner of Police for preventing a juvenile while detained in a police station, or while being conveyed to or from any

criminal court, or while waiting before or after attendance in any criminal court, from associating with any adult, not being a relative, who is charged with any offence other than an offence with which the juvenile is jointly charged.

18—(1) Where a person apparently a juvenile is apprehended, with or without warrant, and cannot be brought forthwith before a court, the officer or sub-officer of police in charge of the police station to which he is brought shall enquire into the case and may release him on a recognizance being entered into by him or his parent or guardian (with or without sureties) for such amount as will, in the opinion of the officer or sub-officer, secure his attendance upon the hearing of the charge, and shall so release him unless—

Bail or
detention of
juveniles.

- (a) the charge is one of homicide or other grave crime;
or
- (b) it is necessary in his interest to remove him from association with any reputed criminal or prostitute; or
- (c) the officer or sub-officer has reason to believe that his release would defeat the ends of justice.

(2) Where a person apparently a juvenile is apprehended and is not released under sub-section (1) of this section, the officer or sub-officer of police in charge shall cause him to be detained in a place of safety until he can be brought before a court.

19—(1) Any court on remanding or committing for trial a juvenile who is not released on bail shall commit him to custody in a place of safety named in the commitment, to be there detained for the period for which he is remanded or until he is thence delivered in due course of law: Provided that in the case of a young person it shall not be obligatory on the court so to commit him if the court certifies that he is of so unruly a character that he cannot safely be so committed, or that he is of so depraved a character that he is not a fit person to be so detained; and where the commitment so certifies he may be committed to such place, including a prison, as may be specified in the commitment warrant.

Remand or
committal to
place of
safety.

(2) A commitment under this section may be varied, or, in the case of a young person who proves to be of so unruly a character that he cannot safely be detained in such custody, or to be of so depraved a character that he is not a fit person to be so detained, revoked, by the court which made the order, or, if application cannot conveniently be made to that court, by any court having jurisdiction in the place where the court which made the order sat, and if it is revoked the young person may be committed to such place, including a prison, as may be specified in the commitment warrant.

Attendance
at court of
parent of
juvenile
charged with
an offence,
etc.

20—(1) Where a juvenile is charged with any offence or is for any other reason brought before a court, his parent or guardian may in any case, and shall, if he can be found and resides within a reasonable distance, be required to attend at the court before which the case is heard or determined during all the stages of the proceedings, unless the court is satisfied that it would be unreasonable to require his attendance.

(2) Where a juvenile is arrested or taken to a place of safety, the officer or sub-officer of police in charge of the police station in the district of the court before which the juvenile will appear shall cause the parent or guardian of that juvenile, if he can be found, to be warned to attend court.

(3) For the purpose of enforcing the attendance of a parent or guardian and enabling him to take part in the proceedings and enabling orders to be made against him, a summons may be issued and served on him requiring his attendance before the court, and the provisions of the Justices of the Peace Law shall, with the necessary adaptations and modifications, apply to the procedure on such summons.

Cap. 433.

(4) The parent or guardian whose attendance is required under this section shall be the parent or guardian having the actual possession and control of the juvenile: Provided that where the juvenile had been, prior to the institution of the proceedings, removed from the custody or charge of his parent by an order of a court, the attendance of such parent shall not be required.

21—(1) Where a juvenile is to be brought before a juvenile court or court of summary jurisdiction charged with an offence, or is to be brought before a juvenile court as being in need of care or protection, the person bringing such juvenile before either such court shall cause notice of the grounds on which such juvenile is brought before the court, and of the date on which such matter will be heard, to be served on the probation officer, if any, of the district, a reasonable time before such date: Provided that where the person bringing the juvenile before the court is the probation officer, it shall not be necessary to serve such notice.

Notice to
probation
officer of
charges
against
juveniles.

(2) Upon the receipt of the notice referred to in subsection (1) of this section, it shall be the duty of the probation officer on whom it is served, except in cases which appear to him to be of a trivial nature, to make such investigations and render available to the court such information as to the home surroundings, school record, age, health and character of the juvenile as the probation officer is able to obtain and as in his opinion is likely to be of assistance to the court.

22—(1) Courts, to be known as juvenile courts, shall be constituted in accordance with the provisions of the Second Schedule to this Law and, when so constituted and sitting for the purpose of exercising any jurisdiction conferred on them by this or any other Law, shall be deemed to have, subject to the provisions of this Law, all the powers of a Resident Magistrate's Court, and the procedure in the juvenile court, subject to the provisions of this Law, shall be the same as in the Resident Magistrate's Court.

Constitution
of procedure
in, and
appeals
from,
juvenile
courts.

(2) The Governor may appoint, in respect of each juvenile court, a clerk and deputy clerk and such clerk and deputy clerk shall, in respect of the juvenile court to which they are so appointed, have all powers and perform all the duties which the clerk and deputy clerk have and perform in respect of a Resident Magistrate's Court.

(3) Without prejudice to the power to bring before a juvenile court by any other means any juvenile in need of care or protection, the attendance of a juvenile or of any other person before a juvenile court in accordance with the

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provisions of this Law may be enforced by the same officers, by the same process and in the same way as the attendance of persons before Justices of the Peace may be enforced under the provisions of the Justices of the Peace Jurisdiction Law.

(4) Juvenile courts shall sit as often as may be necessary for the purpose of exercising any jurisdiction conferred on them by or under this or any other Law.

(5) (a) A juvenile court shall sit in such place or places as may from time to time be specified under paragraph 3 of the Second Schedule to this Law as the place or places in which such court shall sit.

(b) Where no place is specified under paragraph 3 of the Second Schedule to this Law as the place in which a juvenile court shall sit, the juvenile court shall sit either in a different building or room from that in which sittings of courts other than juvenile courts are held, or on different days or at different times from those on which sittings of such other courts are held.

(6) No person shall be present at any sitting of a juvenile court except—

- (a) members and officers of the court, and any member of the Authority;
- (b) parties to the case before the court, their counsel, solicitors, and witnesses giving or having given their evidence, and other persons directly concerned with the case;
- (c) *bona fide* representatives of newspapers or news agencies;
- (d) such other persons as the court may specially authorise to be present.

(7) Where a juvenile is brought before a juvenile court it shall be the duty of such court to explain to him in as simple language as possible the reason for his being before the court.

(8) Where a juvenile is charged before a juvenile court with any offence it shall be the duty of the court to ascertain the defence, if any, of the juvenile so as to put, or assist the juvenile and his parents or guardian in putting, such questions to any witness as appear to be necessary.

(9) Where a juvenile is charged with any offence and admits the offence, or the court is satisfied that the offence has been proved, the court shall record a finding to that effect and before sentencing the juvenile shall obtain such information as to his general conduct, home surroundings, school record, and medical history, as may enable it to deal with the case in the best interests of the juvenile. For the purpose of obtaining such information or for special observation the court may from time to time remand the juvenile on bail or in custody.

(10) An appeal shall lie from any decision of a juvenile court in the same manner and subject to the same procedure as an appeal from a Resident Magistrate's Court.

23—(1) No charge against a juvenile and no application in relation to a juvenile in need of care or protection shall be heard by any court of summary jurisdiction which is not a juvenile court: Provided that—

Jurisdiction
of juvenile
courts.

- (a) a charge made jointly against a juvenile and a person who has attained the age of seventeen years shall not be heard by a juvenile court; so, however, that where in the course of any proceedings before a juvenile court it appears that a person so jointly charged has attained the age of seventeen nothing in this paragraph shall be construed as preventing the juvenile court, if it thinks fit, from proceeding with the hearing and determination of those proceedings; and where it does so it shall be deemed to have in relation to the person who has attained the age of seventeen all the powers of a court of summary jurisdiction;
- (b) where a juvenile is charged with an offence, the charge may be heard by a court of summary jurisdiction which is not a juvenile court if a person who has attained the age of seventeen years is charged at the same time with aiding, abetting, causing, procuring, allowing or permitting that offence;
- (c) where, in the course of any proceedings before any court of summary jurisdiction other than a juvenile court, it appears that the person to whom the proceedings relate is a juvenile, nothing in this

sub-section shall be construed as preventing that court, if it thinks fit so to do, from proceeding with the hearing and determination of those proceedings.

(2) Where—

- (a) a child is charged with any offence; or
- (b) a young person is charged with any offence other than an offence specified in the Third Schedule to this Law,

the charge shall, subject to any right of appeal provided by this or any other Law, finally be disposed of by a juvenile court, or if the charge is heard before a court of summary jurisdiction without prejudice, however, to the provisions of section 26 of this Law.

(3) Where a young person is charged with an offence specified in the Third Schedule to this Law, proceedings for his committal for trial shall, subject to sub-section (1) of this section, be heard in a juvenile court, and if on the termination of those proceedings the court is satisfied that the young person should be committed for trial, the court shall so commit him and shall bind the young person charged, and the witnesses, by recognizance to appear at the court to which such young person is committed.

(4) No direction, whether contained in this or in any other Law, that a charge shall be brought before a juvenile court shall be construed as restricting the powers of any Resident Magistrate or justice of the peace to entertain an application for bail or for a remand and to hear such evidence as may be necessary for that purpose.

Provisions as
to powers of
juvenile
courts.

24—(1) A juvenile court sitting for the purpose of hearing a charge against, or an application relating to, a person who is believed to be a juvenile may, if it thinks fit so to do, proceed with the hearing and determination of the charge or application notwithstanding that it is discovered that the person in question is not a juvenile.

(2) Where a juvenile court has remanded a juvenile for information to be obtained with respect to him or for special observation, any juvenile court sitting in the same parish or place—

- (a) may in his absence extend the period for which he is remanded, so, however, that he appears before a court at least once in every thirty days;
- (b) when the required information has been obtained, may, subject to any right of appeal provided by this Law, deal with him finally;

and where the court by which he was originally remanded has recorded a finding that he is guilty of an offence charged against him, it shall not be necessary for any court which subsequently deals with him under this section to hear evidence as to the commission of that offence, except in so far as it may be considered that such evidence will assist the court in determining the manner in which he should be dealt with.

25—Where under the provisions of this Law a juvenile is tried before any court which is not a juvenile court, then such court shall have in relation to that juvenile all the powers of a juvenile court.

Court other than juvenile court to have powers of juvenile court.

26—(1) Any court by or before which a juvenile is found guilty of an offence other than homicide may, if it thinks fit, remit the case to a juvenile court acting for the place where the offender was committed for trial, or, if he was not committed for trial, to a juvenile court acting either for the same place as the remitting court or for the place in which the offender resides. Where any such case is so remitted the offender shall be brought before a juvenile court accordingly, and that court may deal with him in any way in which it might have dealt with him if he had been tried and found guilty by that court.

Power of other courts to remit juvenile offenders to juvenile courts.

(2) No appeal shall lie against an order of remission made under sub-section (1) of this section, but nothing in this sub-section shall affect any right of appeal against a verdict or finding on which such an order is founded, and a person aggrieved by the order of the juvenile court to which the case is remitted may appeal therefrom as if he had been tried by and had pleaded guilty before the juvenile court.

(3) A court by which an order remitting a case to a juvenile court is made under this section may give such directions as appear to be necessary with respect to the custody of the offender or for his release on bail until he can be brought before the juvenile court and shall cause to be transmitted to the clerk of the juvenile court a certificate setting out the nature of the offence and stating that the offender has been found guilty thereof and that the case has been remitted for the purpose of being dealt with under this section.

Methods of
dealing with
juvenile
offenders.

Law 27 of
1948.

27—(1) Where a juvenile has been found guilty of any offence before a juvenile court, that court may, subject to the provisions of this Law, make an order—

- (a) dismissing the case;
- (b) being a probation order under the Probation of Offenders Law, 1948;
- (c) placing the offender, either in addition to or without making any other order under this section, for a specified period not exceeding three years, under the supervision of a probation officer or some other person to be selected for the purpose by the Authority;
- (d) committing the offender to the care of any fit person, whether a relative or not, who is willing to undertake the care of him;
- (e) where the offender is a young person, ordering the offender to pay a fine, damages or costs;
- (f) sending the offender to an approved school;
- (g) ordering the parent or guardian of the offender to pay a fine, damages or costs;
- (h) ordering the parent or guardian of the offender to enter into a recognizance for the good behaviour of such offender.

(2) An order under this section may be made against a parent or guardian who, having been required to attend,

has failed to do so, but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(3) Any sums ordered under this section to be paid by a parent or guardian may be recovered from him by distress or imprisonment, and in default of such recovery such parent or guardian may be imprisoned with or without hard labour as if he had been convicted of the offence in respect of which the juvenile was charged.

(4) A parent or guardian may appeal against an order made against him under this section as if he had been convicted by a Resident Magistrate's Court of the offence in respect of which the juvenile was charged.

28—If it appears to a court that any person, having entered into a recognizance under section 14 or 27 of this Law, has failed to comply with any of the conditions of that recognizance, the court may adjudge the recognizance to be forfeited and the sum of money named therein to be payable by the parent, guardian or other surety, and thereupon that recognizance may be enforced against such parent, guardian or other surety as if the sum of money named therein were a fine ordered to be paid by a court of summary jurisdiction upon summary conviction of an offence.

Enforcement
of recog-
nizance.

29—(1) Sentence of death shall not be pronounced on or recorded against a person under the age of eighteen years, but in place thereof the court shall sentence him to be detained during His Majesty's pleasure, and, if so sentenced, he shall, notwithstanding anything in the other provisions of this Law, be liable to be detained in such place (including, save in the case of a child, a prison) and under such conditions as the Governor may direct, and while so detained shall be deemed to be in legal custody.

Restriction
on punish-
ment.

(2) A juvenile shall not be sentenced to penal servitude or to imprisonment, whether with or without hard labour, for any offence, or be committed to prison in default of payment of any fine, damages or costs.

(3) Where a young person is convicted of an offence specified in the Third Schedule to this Law and the court is of opinion that none of the other methods in which the

case may legally be dealt with is suitable, the court may sentence the offender to be detained for such period as may be specified in the sentence. Where such a sentence has been passed the young person shall, during that period, notwithstanding anything in the other provisions of this Law, be liable to be detained in such place (including a prison) and on such conditions as the Governor may direct and while so detained shall be deemed to be in legal custody.

(4) The Governor may release on licence any person detained under sub-section (1) or (3) of this section. Such licence shall be in such form and contain such conditions as the Governor may direct, and may at any time be revoked or varied by the Governor. Where such licence is revoked the person to whom it relates shall return forthwith to such place as the Governor may direct, and if he fails to do so may be arrested by any constable without warrant and taken to such place.

Restriction
on committal
to approved
school.

30—A court shall not order a child under the age of ten years to be sent to an approved school unless for any reason the court is satisfied that he cannot suitably be dealt with otherwise.

Special pro-
visions re-
lating to pro-
bation.

31—(1) Where a juvenile has been placed under the supervision of a probation officer or any other person, that officer or person shall, while the order remains in force, visit, advise and befriend him and, when necessary, endeavour to find him suitable employment, and may, if it appears necessary in his interest so to do, at any time while the order remains in force and he is under the age of seventeen years, bring him before a juvenile court, and that court may, if it thinks it is desirable in his interest so to do, order him to be sent to an approved school or commit him to the care of a fit person, whether a relative or not, who is willing to undertake the care of him.

(2) Where the court before which any person is bound by his recognizance or in respect of whom a probation order is made under the Probation of Offenders Law, 1948, is a juvenile court, the attainment by that person of the age of seventeen years shall not deprive that court of jurisdiction to enforce his attendance and deal with him in respect of any failure to observe the conditions of his recognizance or of jurisdiction to vary or discharge the recognizance.

Law 27 of
1948.

32—(1) A court, before making an approved school order with respect to any juvenile, shall endeavour to ascertain the religious persuasion of the juvenile.

Provisions relating to committal to approved school.

(2) Every approved school order shall contain a declaration—

- (a) as to the age and religious persuasion (if ascertained) of the juvenile with respect to whom the order is made; and
- (b) where a contribution order has at the same time been made under section 81 of this Law, stating the amount of such contribution and by whom it is payable.

(3) Every court which makes an approved school order in relation to any juvenile shall cause—

- (a) such order; and
- (b) a record embodying all such information in the possession of the court with respect to the juvenile as is, in the opinion of the court, material to be known by the Authority,

to be delivered with as little delay as possible to the Authority.

(4) Pending the admission into an approved school of a juvenile in respect of whom an approved school order is made the juvenile shall, unless the court which made the order has otherwise directed, or a juvenile court acting for the same parish or place as the court which made the order otherwise directs, be detained in a place of safety.

(5) Where a court orders a child to be sent to an approved school, the order shall be the authority for his detention in an approved school until the expiration of the period of three years from the date of the order and, if at the expiration of that period he is under the age of sixteen years, for his further detention until he attains that age.

(6) Where a court orders a young person to be sent to an approved school, the order shall be the authority for his detention in an approved school—

- (a) if at the date of the order he has not attained the age of sixteen years, until the expiration of a period of two years from the date of the order; and

- (b) if at the date of the order he has attained the age of sixteen years, until he attains the age of eighteen years.

(7) Where a person in respect of whom an approved school order has been made attains the age of seventeen years during the continuance of such order, the provisions of this Law shall continue to be applicable to him until he attains the age of eighteen years as if he were a juvenile.

(8) A juvenile detained under any approved school order and while being conveyed to or from any approved school shall be deemed to be in legal custody.

Provisions
relating to
committal to
fit persons.

33—(1) A court before making an order under this Law committing a juvenile to the care of a fit person, shall endeavour to ascertain the religious persuasion of the juvenile.

(2) Every order committing a juvenile to the care of a fit person shall contain a declaration—

- (a) as to the age and religious persuasion (if ascertained) of the juvenile with respect to whom the order is made; and
(b) where a contribution order has at the same time been made under section 81 of this Law, stating the amount of such contribution and by whom it is payable.

(3) Every court which makes an order committing a juvenile to the care of a fit person shall cause—

- (a) such order; and
(b) a record embodying all such information in the possession of the court with respect to the juvenile as is, in the opinion of the court, material to be known by the Authority,

to be delivered with as little delay as possible to the Authority.

(4) Pending the delivery to a fit person of a juvenile who has been committed to the care of a fit person, the juvenile shall, unless the court which made the order has otherwise directed, or a juvenile court acting for the same parish or place as the court which made the order otherwise directs, be detained in a place of safety.

(5) Every order, other than an interim order, committing a juvenile to the care of a fit person shall, subject to the provisions of this Law, remain in force until the juvenile attains the age of eighteen years.

(6) An order committing a juvenile to the care of a fit person may, on the application of the Authority, be varied or revoked by a juvenile court acting for the same parish or place as the court that made the order, and such juvenile court may, on such application, make such order subject to the provisions of this Law in relation to the juvenile as it considers necessary in the interests of the welfare of the juvenile.

34—No person shall be committed to any school after it has ceased to be an approved school under the provisions of this Law.

Prohibition on committal to school which has ceased to be approved school.

PART V

Approved Schools and Persons to Whose Care Juveniles May be Committed

APPROVED SCHOOLS

35—The Governor in Executive Council may by order published in the Gazette—

Power to declare place an approved school.

- (a) declare any house, building, enclosure or place or any part thereof to be an approved school for the purposes of this Law and may in such order declare the name by which the approved school shall be known;
- (b) declare that any approved school shall cease to be an approved school; and as from the date of the publication of such declaration or such other date as may be specified therein the approved school shall cease to be an approved school.

36—(1) The managers of any school intended for the education and training of persons to be sent there in pursuance of this Law may apply to the Governor in Executive Council to approve the school for that purpose, and the

Power to declare school approved school on application of managers.

Governor in Executive Council may, after making such enquiries as he thinks fit, by order published in the Gazette approve that school to be an approved school for the purposes of this Law.

(2) If at any time the Governor in Executive Council is dissatisfied with the condition or management of a school which has been declared an approved school under this section or considers the continuance of such approved school unnecessary, he may by order published in the Gazette declare that the school shall cease to be an approved school as from such date, not being less than six months from the date of the order, as may be specified in the order, and the school shall, as from such date, cease to be an approved school. A copy of the order shall be served on the managers of the school at least six months prior to the date upon which, under such order, the approved school ceases to be an approved school.

(3) The managers of an approved school may give six months notice to the Governor in Executive Council of their intention not to continue the school and thereupon the Governor in Executive Council shall by order published in the Gazette declare that the school shall cease to be an approved school as from such date as may be specified in the order.

Provision for
approved
schools by
local auth-
orities.

37—A local authority may, with the approval of the Governor in Executive Council, undertake, or combine with any other local authority to undertake, or contribute such sums of money upon such conditions as they may think fit towards, the purchase, establishment, building, alteration, enlargement, re-building, management or upkeep of an approved school or of a proposed school with a view to its being an approved school.

Classifica-
tion, admin-
istration and
management.

38—(1) The Governor in Executive Council may classify approved schools according to the ages of the persons for whom they are intended, the religious persuasion of such persons, the character of the education and training given therein and otherwise as he thinks best calculated to secure that a person sent to an approved school is sent to a school appropriate to his case, or as may be necessary for the purposes of this Law.

(2) The managers of an approved school shall be bound to accept any person who under this Law is sent or transferred to that school or otherwise to their care unless—

- (a) the school is a school for persons of a particular religious persuasion not being that of the person whom it is proposed to send or transfer; or
- (b) the managers of the school satisfy the Authority that there are already as many persons detained in that school or, as the case may be, otherwise under their care as is desirable.

(3) The provisions set out in the Fourth Schedule to this Law shall have effect in relation to the administration of approved schools and the treatment of persons sent thereto.

39—(1) Upon the receipt by the Authority of an approved school order delivered under sub-section (3) of section 32 of this Law the Authority shall determine the approved school to which the juvenile in respect of whom the order has been made shall be sent and shall endorse upon the order the name of such school.

Steps to be taken by Authority on receipt of approved school order.

(2) An approved school order endorsed in the manner provided by sub-section (1) of this section shall be a sufficient authority for the managers of the school named in the endorsement to receive and detain the juvenile in respect of whom the order was made under their care, in accordance with the provisions of this Law, and the Authority may authorise any person to take the juvenile from the place where he may be to such school.

(3) In determining the school to which a juvenile shall be sent the Authority shall have regard to the religious persuasion of the juvenile.

40—(1) A person sent to an approved school shall after the expiration of the period of detention be under the supervision of the managers of his school until he attains the age of eighteen years.

Supervision and recall after expiration of order.

(2) The managers may, and, if the Authority so direct, shall, by notice in writing recall to the school any person under supervision who is at the date of the recall under the age of eighteen years: Provided that a person shall not be so recalled unless, in the opinion of the managers, or, as the case may be, of the Authority, it is necessary in his interests to recall him.

(3) A person who has been recalled under sub-section (2) of this section shall be released as soon as the managers think that he can properly be released, and in no case shall be detained—

- (a) after the expiration of three months, or of such longer period not exceeding six months as the Authority may, after considering the circumstances of his case, direct; or
- (b) after attaining the age of eighteen years.

(4) The managers shall forthwith notify the Authority of the recall of any person and shall state the reasons for his recall, and when the managers release any person so recalled they shall forthwith notify the Authority that they have done so.

(5) For the purposes of this Law—

- (a) a person who is out under supervision from an approved school shall be deemed to be under the care of the managers of the school;
- (b) a person who has been recalled to an approved school shall be deemed to be there detained under an approved school order.

**Power of
Authority to
release per-
son detained
under
approved
school order.**

41—The Authority may, by order in writing addressed to the managers of an approved school, direct the release from such school, upon such conditions, if any, as may be contained in the order, of any person detained therein under an approved school order, and where the Authority has directed the release of any such person the powers of recall conferred upon the managers under section 40 of this Law shall not be exercised without the approval of the Authority.

FIT PERSONS

42—(1) Upon the receipt by the Authority of an order, delivered under sub-section (3) of section 33 of this Law, committing a juvenile to the care of a fit person, the Authority shall select the fit person to whose care the juvenile is to be committed and shall endorse upon the order the name of such person.

Steps to be taken by Authority on receipt of order committing juvenile to fit person.

(2) An order committing a juvenile to the care of a fit person endorsed in the manner provided by sub-section (1) of this section shall be a sufficient authority for the person named in the endorsement to receive and care for the juvenile in accordance with the provisions of this Law.

(3) In selecting the person to whose care a juvenile is to be committed, the Authority shall have regard to the religious persuasion of the juvenile.

43—(1) The Authority may at any time order a person under the care of a fit person to be transferred to the care of some other person.

Transfer of persons under care of fit persons.

(2) Upon a person being transferred in accordance with the provisions of sub-section (1) of this section the Authority shall cause notice thereof to be sent to the person liable to make contributions in respect of him.

44—The person to whose care a juvenile is committed or transferred by an order made under this Law shall, while the order is in force, have the same rights and powers and be subject to the same liabilities in respect of the juvenile's maintenance as if he were his parent, and the juvenile so committed or transferred shall continue in his care notwithstanding any claim by a parent or other person.

Rights and powers of fit persons.

45—(1) The Authority may make rules, not inconsistent with the provisions of this Law or any regulations made thereunder, as to the manner in which juveniles committed or transferred to the care of fit persons are to be dealt with, and as to the duties and supervision of the persons to whose care they are committed or transferred, and as to the sums which may be payable out of General Revenue to such

Rules relating to fit persons.

persons towards the maintenance and education of juveniles committed or transferred to their care; and different sums may be specified for different cases or classes of case.

(2) Rules made under this section shall not take effect until they have been approved by the Governor in Executive Council, who may alter, amend or add to such rules.

PART VI

Legal Provisions Relating to Juveniles

Power to
take offenders
into custody.

46—(1) Any constable may take into custody, without warrant, any person who—

- (a) commits, within his view, any of the offences mentioned in the First Schedule to this Law;
- (b) has committed, or whom he has reason to believe to have committed, any of the offences mentioned in the First Schedule to this Law if the constable has reasonable ground for believing that that person will abscond, or if the constable does not know and cannot ascertain that person's name and address.

(2) Where, under the powers conferred by this section, a constable arrests any person without warrant, the officer or sub-officer of police in charge of the police station to which that person is brought shall, unless in his belief the release of that person on bail would tend to defeat the ends of justice, or to cause injury or danger to the juvenile against whom the offence is alleged to have been committed, release the person arrested on that person entering into such recognizance, with or without sureties, as may in the judgment of the officer or sub-officer of police be required to secure the attendance of that person upon the hearing of the charge.

Power to
hear case in
absence of
juvenile.

47—Where, in any proceedings with relation to any of the offences mentioned in the First Schedule to this Law the court is satisfied that the attendance before it of any juvenile in respect of whom the offence is alleged to have been committed is not essential to the just hearing of the case, the case may be proceeded with and determined in the absence of the juvenile.

48—(1) Where a justice of the peace is satisfied by the evidence of a duly qualified medical practitioner that the attendance before a court of any juvenile, in respect of whom any of the offences mentioned in the First Schedule to this Law is alleged to have been committed, would involve serious danger to his life or health, the justice may take in writing the deposition of the juvenile on oath, and shall thereupon subscribe the deposition and add thereto a statement of his reason for taking it and of the day when and place where it was taken, and of the names of the persons (if any) present at the taking thereof.

Extension of power to take deposition of juvenile.

(2) The justice taking any such deposition shall transmit it with his statement—

- (a) if the deposition relates to an offence for which any accused person is already committed for trial, to the proper officer of the court for trial at which the accused person has been committed;
- (b) in any other case, to the clerk of the court before which proceedings are pending in respect of the offence.

49—Where, in any proceedings in respect of any of the offences mentioned in the First Schedule to this Law, the court is satisfied by the evidence of a duly qualified medical practitioner that the attendance before the court of any juvenile, in respect of whom the offence is alleged to have been committed, would involve serious danger to his life or health, any deposition of the juvenile taken under Part II of the Justices of the Peace Jurisdiction Law, or under this part of this Law, shall be admissible in evidence either for or against the accused person without further proof thereof if it purports to be signed by the justice by or before whom it purports to be taken:

Admission in evidence of deposition of juvenile.

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Provided that the deposition shall not be admissible in evidence against the accused person unless it is proved that reasonable notice of the intention to take the deposition has been served upon him and that he or his counsel or solicitor had, or might have had if he had chosen to be present, an opportunity of cross-examining the juvenile making the deposition.

Mode of
charging
offence and
limitation of
time.

50—(1) Where a person is charged with committing any of the offences mentioned in the First Schedule to this Law in respect of two or more juveniles, the same information or summons may charge the offence in respect of all or any of them, but the person charged shall not, if he is summarily convicted, be liable to a separate penalty in respect of each juvenile except upon separate informations.

(2) The same information or summons may also charge any person as having the custody, charge, or care, alternatively or together, and may charge him with the offence of assault, ill-treatment, neglect, abandonment, or exposure, together or separately, and may charge him with committing all or any of those offences in a manner likely to cause unnecessary suffering or injury to health, alternatively or together, but when those offences are charged together the person charged shall not, if he is summarily convicted, be liable to a separate penalty for each.

(3) Where any offence mentioned in the First Schedule to this Law charged against any person is a continuous offence, it shall not be necessary to specify in the information, summons or indictment the date of the acts constituting the offence.

Restriction
on presence
of juvenile in
court.

51—No child, other than an infant in arms, shall be permitted to be present in court during the trial of any other person charged with any offence, or during any proceedings preliminary thereto, except during such time as his presence is required as a witness or otherwise for the purpose of justice; and any child present in court when under this section he is not to be permitted to be so present shall be ordered to be removed.

Power to
clear court
when juvenile
giving evi-
dence.

52—(1) Where, in any proceedings in relation to an offence against, or any conduct contrary to, decency or morality, a person who, in the opinion of the court, is a juvenile is called as a witness, the court may direct that all or any persons, not being members or officers of the court or

parties to the case, their counsel or solicitors, or persons otherwise directly concerned in the case, be excluded from the court during the taking of the evidence of that witness:

Provided that nothing in this section shall authorise the exclusion of *bona fide* representatives of a newspaper or news agency.

(2) The powers conferred on a court by this section shall be in addition and without prejudice to any other powers of the court to hear proceedings in camera.

53—(1) Where, in any proceedings against any person for any offence, any child of tender years called as a witness does not in the opinion of the court understand the nature of an oath, his evidence may be received, though not given upon oath, if, in the opinion of the court, he is possessed of sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth; and his evidence, though not given on oath, but otherwise taken and reduced into writing in accordance with the provisions of section 34 of the Justices of the Peace Jurisdiction Law, or of this Part of this Law, shall be deemed to be a deposition within the meaning of that section and that Part respectively:

Evidence of
child of ten-
der years.

Cap. 433.

Provided that where evidence admitted by virtue of this section is given on behalf of the prosecution the accused shall not be liable to be convicted of the offence unless that evidence is corroborated by some other material evidence in support thereof implicating him.

(2) If any child whose evidence is received as aforesaid wilfully gives false evidence in such circumstances that he would, if the evidence had been given on oath, have been guilty of perjury, he shall be guilty of an offence against this Law.

54—(1) Where a person, whether charged with an offence or not, is brought before any court otherwise than for the purpose of giving evidence, and it appears to the court that he is a juvenile, the court shall make due enquiry as to the age of that person, and for that purpose shall take such evidence as may be forthcoming at the hearing of the case,

Determina-
tion of age

but an order or judgment of the court shall not be invalidated by any subsequent proof that the age of that person has not been correctly stated to the court, and the age presumed or declared by the court to be the age of the person so brought before it shall, for the purposes of this Law, be deemed to be the true age of that person, and where it appears to the court that the person so brought before it has attained the age of seventeen years, that person shall, for the purposes of this Law, be deemed not to be a juvenile.

Cap. 416.

(2) Where in any charge or indictment for any offence under this Law or any of the offences mentioned in the First Schedule to this Law, except offences against sections 40, 43, 45, 46, 51, 52, 54 and 55 of the Offences against the Person Law, it is alleged that the person by or in respect of whom the offence was committed was a juvenile, young person or child or was under or had attained any specified age, and he appears to the court to have been at the date of the commission of the alleged offence a juvenile, young person or child or to have been under or to have attained the specified age, as the case may be, he shall for the purposes of this Law be presumed at that date to have been a juvenile, young person or child or to have been under or to have attained that age, as the case may be, unless the contrary is proved.

Power to prohibit publication of certain matters.

55—(1) In relation to any proceedings in any court which arise out of any offence against, or any conduct contrary to, decency or morality, the court may direct that—

- (a) no newspaper report of the proceedings shall reveal the name, address, or school, or include any particulars calculated to lead to the identification, of any juvenile concerned in the proceedings, either as being the person against or in respect of whom the proceedings are taken, or as being a witness therein;
- (b) no picture shall be published in any newspaper as being or including a picture of any juvenile so concerned in the proceedings as aforesaid, except in so far (if at all) as may be permitted by the direction of the court.

(2) Any person who publishes any matter in contravention of any direction given under sub-section (1) of this section shall be guilty of an offence against this Law.

56—(1) No newspaper report of any proceedings in a juvenile court shall reveal the name, address or school or include any particulars calculated to lead to the identification of any juvenile concerned in those proceedings either as being the person against or in respect of whom proceedings are taken or as being a witness therein, nor shall any picture be published in any newspaper as being or including a picture of any juvenile so concerned in any such proceedings:

Restriction on newspaper reports of proceedings in juvenile courts.

Provided that the court may in any case, if satisfied that it is in the interests of justice so to do, by order dispense with the provisions of this section to the extent specified in the order.

(2) Any person who publishes any matter in contravention of this section shall be guilty of an offence against this Law.

PART VII

Children's Homes

57—In this Part of this Law—

Interpretation for Part VII.

“lawful guardian” means any person appointed according to Law or by deed or will or the order of a court to be the guardian of a child, or to have the custody and maintenance of a child;

“licence” means a licence granted under this Part of this Law;

“licensed home” means a children's home licensed under this Part of this Law;

“licensee” means the holder of a licence under this Part of this Law.

58—(1) No person shall establish or maintain a children's home (hereinafter in this Part of this Law referred to as a home) except under a valid licence granted to him by the Authority in respect of the home:

Licences.

Provided that nothing in this sub-section shall apply to—

- (a) any approved school;
- (b) any other school, save in cases where the Authority, upon the advice of the Director of Education, require a school to be licensed;
- (c) any house where four or more children are boarded and maintained by relatives of such children, or by the wish or with the consent of the parents or lawful guardians of such children, save in cases where the Authority, by notice in writing, expressly require any such house to be licensed;
- (d) any home or orphanage maintained wholly by the Government of Jamaica.

(2) Save with the prior written permission of the Authority, no licence shall be transferred into the name of any person other than the licensee.

(3) Save with the prior written permission of the Authority, no person shall maintain a home at any address or location other than that provided for in the licence granted in respect of the home.

Application
for licence.

59—It shall be the duty of every person who desires to establish and maintain a home to make application to the Authority, in the prescribed form and manner, for a licence.

Powers of
Authority in
respect of
licences.

60—(1) The Authority, in their discretion, may refuse to grant a licence in respect of any home, and, similarly, may refuse to transfer or to renew a licence.

(2) The Authority, in granting a licence, may attach thereto such terms and conditions as they may, in any case, think fit.

(3) Where, in connection with any licensed home, the Authority are of opinion that there has been any contravention of any of the provisions of this Law, or of the terms and conditions of any licence, the Authority may cancel any licence issued in respect of such home, or may suspend the licence for such period as they think fit, and may apply to the Court under section 68 of this Law for an order or an interim order for the removal of any child or children from the home.

61—(1) An appeal shall lie to a judge in chambers Appeals.
against—

- (a) any refusal of the Authority to grant, transfer or renew a licence;
- (b) any term or condition imposed in a licence;
- (c) any decision of the Authority to suspend or cancel a licence;
- (d) any decision of the Authority under the proviso to sub-section (1) of section 58 of this Law requiring a school or house to be licensed.

(2) Every appeal under this section shall be lodged within fourteen days of the date on which the aggrieved party is notified of the refusal or decision of, or the terms or conditions imposed by, the Authority, and the procedure on such appeal shall be in accordance with rules of court made for such purposes.

(3) Where an appeal has been lodged under this section, the Authority, pending the determination of the appeal, may apply to a Resident Magistrate under section 68 of this Law for an interim order for the removal of any child from the home to which the appeal relates.

62—It shall be the duty of every licensee to ensure that every child in his Home receives at all times careful and humane treatment and suitable education, and that all the provisions of this Part of this Law and all the terms and conditions of the licence and the directions of the Authority are at all times complied with in respect of the home and every child maintained therein. Responsi-
bility of
licensees.

63—(1) A licensee shall notify the Authority in writing of the name, sex, age and date of reception of every child who is received into his home, and every such notification shall be made within forty-eight hours after the reception of the child into the home and shall contain such further particulars as may from time to time be prescribed. Notification
of reception
of children

(2) The licensee shall, after such notification, supply the Authority with all such particulars relating to any such child as the Authority in any case may require.

Removal or
death of
children.

64—(1) Save where a child is removed from a home by his parent or parents or under an order of a court, a licensee shall not permit any child to leave, or to be removed or transferred from, the licensee's home, without first giving the Authority seven days notice in writing of such impending removal or transfer, and, except in the case of a transfer to another licensed home, without first obtaining the written permission of the Authority.

(2) A licensee shall forthwith notify the Authority if any child is absent for more than twenty-four hours from his home without the permission of the licensee.

(3) A licensee shall forthwith notify the Authority of the death of any child maintained in his home, or of the removal therefrom of any such child by the child's parent or parents or under an order of a court.

Power to
visit and in-
spect homes.

65—At all reasonable times—

- (a) any member of, or any person authorised by, the Authority; or
- (b) the Director of Medical Services or any person authorised by him; or
- (c) an officer of the Jamaica Constabulary Force, not below the rank of Assistant Superintendent.

may visit and inspect any home for the purpose of verifying that the home is licensed and of ensuring that the home is properly administered and that the children are receiving care and attention therein.

Warrant to
visit and in-
spect.

66—Where any person empowered under the provisions of section 65 of this Law to visit and inspect a home has been refused admission to a home or to any place where he has reason to believe—

- (a) that an unlicensed home is being maintained; or
- (b) that there is any contravention of any of the provisions of this Part of this Law or of the terms or conditions of any licence granted, or of any direction given, by the Authority thereunder; or
- (c) that any child is being maltreated or neglected or illegally detained,

he may apply to a justice of the peace who may grant a warrant authorising the person making application to him, or any constable, to enter the home or place at any time

of the day or night and, with such assistance and by such force as may be necessary, to carry out the visit and inspection.

67—(1) If the Authority are satisfied that the management of any licensed home, or the accommodation provided for, or the treatment of, the children therein, is such as to endanger or to be likely to endanger their welfare, they may serve upon the licensee of the home such general or special directions with respect to the matters aforesaid, or any of them, as they think expedient for the welfare of the children in the home.

Control over
licensed
homes.

(2) A direction under this section—

- (a) may be served on the licensee of a home by being delivered personally to him, or by being sent, by post or otherwise, in a letter addressed to him at the home;
- (b) may be varied by a subsequent direction, or may be withdrawn by the Authority.

68—(1) Where the Authority—

- (a) in exercise of the powers conferred on them by section 60 of this Law, have cancelled or suspended a licence or have refused to renew a licence; or

Order to
remove
child from
home.

- (b) have reasonable grounds for believing that—

- (i) any home is maintained in contravention of any of the provisions of this Part of this Law or of any of the terms and conditions of a licence granted, or of any direction given by the Authority thereunder; or
- (ii) that any child is being maltreated or neglected or illegally detained in any home,

any person authorised by the Authority in that behalf may apply to a Resident Magistrate for an order directing the Authority to remove any child or children from such home to a place of safety to be specified in the order, and making any necessary arrangements for the future of the child or children.

(2) The court may make interim orders under this section upon application made by the Authority under this Law.

(3) An order for the removal of any child or children under this section shall operate as an authority to any constable or other person authorised to execute the order to enter any place at any time of the day or night and with such assistance and by such force as may be necessary to remove therefrom the child or children.

PART VIII

Employment of Juveniles

Interpreta-
tion for Part
VIII.

69—In this Part of this Law—

“employment” means employment in any undertaking, trade, or occupation, carried on for profit or gain, irrespective of whether the employment is gratuitous or for reward;

“industrial undertaking” includes—

- (a) a mine, quarry, distillery or brewery, or a sugar, spirit compounds, match, soap, cigar or cigarette factory, or any undertaking in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished or in which materials are transformed, including ship-building and the generation, transformation and transmission of electricity and motive power of any kind, but shall not include any agricultural undertaking;
- (b) construction, reconstruction, maintenance, repair, alteration or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, water work, or other work of construction, as well as the preparation for or laying the foundation of any such work or structures;
- (c) transport of passengers or goods by road, air, rail, or inland waterway, including the handling of goods at docks, wharves, airports and warehouses but excluding transport by hand;

“night work”, means work in an industrial undertaking during any portion of a period of eleven consecutive hours including the hours of ten o'clock in the evening and five o'clock in the morning;

“ship” means any sea-going ship or boat of any description which is registered as a British ship and which is habitually used only for voyages from one port to another in Jamaica or any of its Dependencies.

70—(1) No child under the age of twelve years shall be employed, save as is provided by sub-section (2) of this section.

Restriction on employment of children under twelve

(2) A child under the age of twelve years may be employed by his parents or guardians—

(a) in light domestic, agricultural or horticultural work;

(b) in any prescribed occupation:

Provided that no child under the age of twelve years shall be employed in night work or in an industrial undertaking.

71—No juvenile shall be employed—

(a) if under the age of fifteen years, in any industrial undertaking; or in or upon any ship, other than a ship where only members of his family are employed; or

(b) if under the age of sixteen years, in any night work.

Restriction of employment of juveniles.

72—Where any person is employed in contravention of any of the provisions of this Part of this Law, any person to whose act, default or representations the contravention is attributable shall be guilty of an offence against this Law.

Responsibility for contravention.

73—If it is made to appear to a justice of the peace that there is reasonable cause to believe that any of the provisions of this Part of this Law or of any regulations made thereunder are being contravened with respect to any

Search warrant.

person, the justice of the peace may by warrant authorise any constable to enter any place in or in connection with which such person is, or is believed to be, employed, and to make all necessary enquiries therein.

Saving.

74—Nothing in this Part of this Law contained shall be deemed—

- (a) to apply to the exercise of manual labour by any juvenile under order of detention in an approved school or by any juvenile receiving instruction in manual labour in any school;
- (b) to permit the employment in a sugar mill of any juvenile under sixteen years of age contrary to the provisions of the Prevention of Accidents at Sugar Mills Law.

Cap. 801.

PART IX

Supplementary

Expenses of
approved
schools.

75—(1) The expenses of all schools declared to be approved schools under section 35 of this Law, including the salaries of the officers, inspectors and other employees thereof, the maintenance and clothing of persons detained therein, the cost of conveying such persons thereto and therefrom, and all other incidental expenses of and in relation to the same, shall be defrayed in the first instance by the Financial Secretary and Treasurer out of general revenue.

(2) All expenses similar to those mentioned in subsection (1) of this section in connection with schools declared to be approved schools under section 36 of this Law shall be borne, in the first instance, by the managers thereof.

(3) In respect of each person who is sent to and detained in an approved school there shall be paid by the local authority of the parish from which the person is sent, out of funds applicable to the relief of the poor for such parish,—

- (a) to the Financial Secretary and Treasurer, to be credited to general revenue, in the case of any school declared to be an approved school under section 35 of this Law;

(b) to the managers of the approved school, to be applied in or towards the maintenance of the school, in the case of any school declared to be an approved school under section 36 of this Law, such sums as may be prescribed by the Governor in Executive Council, and different sums may be prescribed for different cases or classes of case.

(4) A local authority shall not be required in any year to incur expenditure under this Law in excess of the amount provided for poor relief in the annual estimates unless the local authority first consents to such excess expenditure.

76—The expenses of the Authority and the expenses of maintaining juveniles detained at any place of safety appointed as such by the Authority, shall be defrayed out of General Revenue.

Expenses of Authority, etc.

77—(1) Any person who has been ordered to be sent to an approved school and who—

Escapes from approved schools and fit persons.

- (a) escapes from the school in which he is detained or from any hospital, home or institution in which he is receiving medical attention; or
- (b) being absent from his school on temporary leave of absence or on licence, runs away from the person in whose charge he is, or fails to return to the school at the expiration of his leave, or upon the revocation of his licence; or
- (c) being absent from the school under supervision, fails to return to the school upon being recalled,

may be apprehended without warrant by any constable or authorised person for the purposes of section 13 of this Law and returned to the approved school.

(2) A juvenile who runs away from a person to whose care he has been committed under this Law may be apprehended without warrant by any constable or authorised person for the purposes of section 13 of this Law and brought back to that person if that person is willing to receive him, and if that person is not willing to receive him may be taken before a juvenile court which may make an order in respect of him as if he had been brought before the court as being in need of care and protection.

(3) Any person who knowingly—

- (a) assists or induces a person to commit any such offence as is mentioned in sub-section (1) of this section; or
- (b) harbours or conceals a person who has committed such an offence or prevents him from returning; or
- (c) harbours or conceals a juvenile after an approved school order has come into operation in respect of him and during the continuance of such order; or
- (d) assists or induces a juvenile to run away from a person to whose care he has been committed, or harbours or conceals a juvenile who has so run away and prevents him from returning,

shall be guilty of an offence against this Law.

Miscellaneous offences.

78—Every person who—

- (a) refuses to permit any person empowered under section 65 of this Law to visit or inspect any children's home, or who hinders or obstructs any person so empowered when so visiting or inspecting;
- (b) refuses to comply with the terms of a warrant granted under section 66 of this Law upon such warrant being produced and read over to him, or who hinders or obstructs any constable or person authorised to execute the warrant;
- (c) refuses to comply with an order or interim order made under section 68 of this Law upon such order or interim order being produced and read over to him, or who hinders or obstructs any constable or other person authorised to execute the order or interim order;
- (d) contravenes any of the provisions of Part VII or Part VIII of this Law;
- (e) contravenes any of the terms or conditions of any licence granted under Part VII of this Law;
- (f) contravenes any general or special direction served by the Authority under section 67 of this Law;
- (g) knowingly gives, or causes or procures any other person to give, any false or misleading information

in, or in connection with, any notification, notice or return required by the provisions of Part VII of this Law;

(h) refuses to answer or answers falsely any enquiry authorised by or under section 73 of this Law, shall be guilty of an offence against this Law.

79—Any person guilty of an offence against this Law or any regulations made thereunder for which no special punishment is provided shall be liable, on summary conviction before a Resident Magistrate, to a fine not exceeding twenty-five pounds, and in default of payment to imprisonment with hard labour for a term not exceeding three months, and in the case of a continuing offence to a further fine not exceeding two pounds for each day on which the offence continues after conviction.

General
penalty.

80—(1) Where an order has been made by a court committing a juvenile to the care of a fit person, or sending him to an approved school, it shall be the duty of the following persons to make contributions in respect of him—

Contribu-
tions.

- (a) his father, adopted father or step-father;
- (b) his mother, adopted mother or step-mother; and
- (c) any person who, at the date when any such order is made, is cohabiting with the mother of the juvenile, whether he is the putative father or not.

(2) Where a juvenile has been committed to the care of a fit person contributions under this Law shall be payable to that person to be applied by him in or towards the maintenance, or otherwise for the benefit, of the juvenile.

(3) Where a juvenile has been committed to an approved school, contributions under this Law shall be payable to the clerk to the local authority of the parish liable to make payments under sub-section (3) of section 75 of this Law and credited to the funds applicable for the relief of the poor of such parish.

Contribution orders.

81—(1) Where an order has been made committing a juvenile to the care of a fit person or to an approved school—

- (a) the court which makes that order may at the same time; or
- (b) any court of summary jurisdiction having jurisdiction in the place where the person to be charged is for the time being residing, on the application of the person to whose care the juvenile is committed, or in the case of committal to an approved school, of the clerk to the local authority of the parish liable to make payments under sub-section (3) of section 75 of this Law, may,

make a contribution order on any person who is, under section 80 of this Law, liable to make contributions in respect of the juvenile requiring that person to contribute such weekly sum, not exceeding one pound in respect of each juvenile, as the court having regard to his means thinks fit.

(2) A contribution order shall, unless varied or revoked, remain in force so long as the juvenile remains in the care of the fit person or approved school, and the court when making such order shall have regard to any affiliation order in force in respect of the juvenile. Any such contribution order may be varied or revoked on the application of either the contributor or the person to whom the contributions are payable.

(3) A contribution order shall be enforceable, at the instance of the person to whom the contributions are payable, in the same manner as an affiliation order made under the Bastardy Law.

Cap. 452.

(4) A person on whom a contribution order is made shall, if he changes his address, forthwith give notice thereof to the person to whom, immediately before the change, the contributions were payable, and, if he fails so to do, or if he knowingly gives notice false in any material particular, he shall be guilty of an offence against this Law.

82—(1) Where a juvenile who is ordered by a court to be committed to the care of a fit person, or to be sent to an approved school, is illegitimate, and an affiliation order for his maintenance is in force—

Provisions
as to affilia-
tion order.

- (a) that court may at the same time; or
- (b) any court of summary jurisdiction having jurisdiction in the place where the putative father is for the time being residing, on the application of the person who would be entitled to apply for a contribution order, may,

order the payments under the affiliation order to be paid to the person to whom contributions in respect of the juvenile are payable under section 80 of this Law.

(2) Any sums received under the affiliation order shall be applied in like manner as if they were contributions received under a contribution order.

(3) If the putative father changes his address, he shall forthwith give notice thereof to the person to whom, immediately before the change, the payments under the order were payable, and, if he fails so to do, or if he knowingly gives a notice false in any material particular, he shall be guilty of an offence against this Law.

(4) The making of an order under this section with respect to an affiliation order shall not extend the duration of that order.

(5) In this section an affiliation order includes an order made under the Maintenance Law in respect of a juvenile. Cap. 453.

83—An approved school order, an order, other than an interim order, committing a juvenile to the care of a fit person, a contribution order, and an order under section 82 of this Law, shall be in the appropriate form set out in the Fifth Schedule to this Law, and such forms may be amended or revoked and different and additional forms may be prescribed by regulations made under section 84 of this Law. Forms.

Regulations.

84—The Governor in Executive Council may make regulations generally for giving effect to the provisions of this Law, and, without prejudice to such general power, may make regulations—

- (a) providing for the constitution, duties and powers of the Authority and for all matters connected with or incidental to the proper and effective operation by the Authority of their functions, including the provision of all necessary powers of entry;
- (b) providing for the licensing, regulation and control of children's homes, for ensuring the proper care, accommodation, upbringing, maintenance and education of children in such homes and for all purposes and matters connected therewith.

Transitory provisions.
Law 17 of 1943.

85—(1) Without prejudice to the provisions of the Interpretation Law, 1943, with respect to repeals, the transitory provisions set out in the Sixth Schedule to this Law shall have effect for the purposes of the transition to the provisions of this Law from the provisions of the Laws repealed by section 86 of this Law.

(2) References in any Law or other document to reformatory schools or industrial schools and to young persons and children sent thereto or detained therein shall be construed as meaning references to approved schools and to juveniles sent thereto or detained therein.

Amendments and repeals.

86—(1) The enactments mentioned in the first column of the Seventh Schedule to this Law shall have effect subject to the amendments specified in the second column of such Schedule.

(2) The enactments mentioned in the Eighth Schedule to this Law are hereby repealed.

FIRST SCHEDULE

(Section 2,
11, 12, 14, 16,
46, 47, 48,
49, 50, 54).

1. The murder or manslaughter of a juvenile.
 2. Infanticide.
 3. Any offence under Part III of this Law.
 4. Any offence under section 24, 43, 45, 46, 51, 57A, 57B, or 60 of the Offences against the Person Law and any offence against a juvenile under section 34, 35, 39, 40, 42, 48, 52, 53, 54, 55, 66, 67 or 69 of such Law. Cap. 416.
 5. Any offence involving bodily injury to a juvenile.
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SECOND SCHEDULE

(Section 22)

1. In each parish the Governor shall appoint to a special panel of Justices those Justices of the Peace whom he may consider to be specially qualified to deal with juvenile cases, and no Justice of the Peace shall be qualified to sit as a member of a juvenile court unless he is a member of such a panel.

2. A juvenile court shall be constituted of a Resident Magistrate as chairman, and two Justices of the Peace, one of whom shall be a woman, and both of whom shall be members of the panel referred to in paragraph 1 of this Schedule: Provided that—

- (1) the court shall be deemed to be fully constituted where the chairman and only one such Justice sit;
- (2) until the panel referred to in paragraph 1 of this Schedule is prepared, the court shall be constituted of a Resident Magistrate alone.

3. The Governor in Executive Council may by order specify as respects any parish the place or places in which juvenile courts shall sit.

THIRD SCHEDULE

(Sections 23 and 29)

1. Murder or manslaughter.
2. Treason.
3. Infanticide.
4. Any offence under section 4, 9, 10, 11, 12, 13, 14, 15, 16, 19, 20, 21, 25, 26, 27, 39, 43, 45, 46, 49, 50, 52, 53, 54, 55 or 60 of the Offences against the Person Law.
5. Any offence under section 34 or 40 of the Larceny Law, 1942

Cap. 416.

Law 20 of
1942.

FOURTH SCHEDULE

(Section 38)

*Provisions as to Administration of Approved Schools
and Treatment of Persons sent thereto*

1—(1) The Authority may make rules, not inconsistent with the provisions of this Law or any regulations made thereunder, for the management of and discipline in approved schools, and different rules may be made in respect of different schools or classes of schools.

(2) Rules made under this paragraph shall not take effect until they have been approved by the Governor in Executive Council who may alter, amend or add to such rules.

2. No substantial addition to or diminution or alteration of the buildings or grounds of an approved school shall be made without the approval in writing of the Authority.

3. A minister of the religious persuasion to which a person in an approved school belongs may visit him at the school on such days, at such times and on such conditions as may be fixed by rules made under paragraph 1 of this Schedule, for the purpose of affording him religious assistance and instruction.

4. If it appears to the managers of an approved school that a person who has been ordered to be sent to their school requires medical attention before he can properly be received into the school, or that a person detained in the school requires such attention, they may make arrangements for him to be received into and detained in any hospital, home or other institution where he can receive the necessary attention; and that person, while so detained, shall for the purposes of this Law be deemed to be under the care of the managers of the school.

5. At any time during the period of a person's detention in an approved school the managers of the school may grant leave to him to be absent therefrom in the charge of such person and for such period as they may think fit, but during such leave he shall, for the purposes of this Law, be deemed to be under the care of the managers of the school, and the managers may at any time require him to return to the school.

6—(1) At any time during the period of a person's detention in an approved school the Authority may, by licence in writing, permit him to live with his parent, or with any trustworthy and respectable person (to be named in the licence) who is willing to receive and take charge of him.

(2) The Authority may at any time by order in writing revoke any licence and require the person to whom it relates to return to the school.

(3) For the purposes of this Law a person who is out on licence from an approved school shall be deemed to be under the care of the managers of the school.

7—(1) If a person under the care of the managers of an approved school conducts himself well, the managers of the school may, with his written consent and with the written consent of the Authority, apprentice or place him in any trade, calling or service.

(2) Before exercising their powers under sub-paragraph (1) of this paragraph, the managers shall, in any case where it is practicable so to do, consult with the parents of the person concerned.

8—(1) The Authority may at any time order a person under the care of the managers of an approved school to be transferred to the care of the managers of another school.

(2) Upon a person being transferred in accordance with the provisions of sub-paragraph (1) of this paragraph, the Authority shall cause notice thereof to be sent to the person liable to make contributions in respect of him.

9. The provisions of section 39 (3) of this Law (which relate to religious persuasion) shall apply in relation to the transfer of persons to approved schools as they apply in relation to the sending of persons to such schools.

10. Where a person detained in an approved school is transferred to the care of the managers of another school, he shall be conveyed to his new school by and at the expense of the managers of the first-mentioned school.

11—(1) Subject as hereinafter provided, all rights, powers and duties exercisable by law by a parent shall as respects any person under the care of the managers of an approved school be vested in them: Provided that, where a person out on licence or under supervision from an approved school is lawfully living with his parents or either of them, the said rights and powers shall be exercisable by the parents or, as the case may be, by the parent with whom he is living; but it shall be the duty of any such parent so to exercise those rights and powers as to assist the managers to exercise control over him.

(2) The managers of an approved school shall be under an obligation to provide for the clothing, maintenance, upbringing and education of the persons under their care, except that while such a person is out on licence, or under supervision, their obligation shall be to cause him to be visited, advised and befriended and to give him assistance (including, if they think fit, financial assistance) in maintaining himself and finding suitable employment.

12. Every person who is authorised by the Authority to take to an approved school a person in respect of whom an approved school order has been made shall, for the purposes of his duty as aforesaid, have all the powers, protection and privileges of a constable.

FIFTH SCHEDULE

(Section 83)

FORM I

The Juveniles Law, 1948

Approved School Order

To the Authority, and to all persons authorised by the said Authority, and to the Managers of the approved school named in the endorsement hereon.

Whereas (1).....a juvenile was brought before the (2) juvenile court for the parish of (3)(4) as being in need of care or protection, or by his parent or guardian as being uncontrollable by such parent or guardian, or charged with the offence of (5).....;

And whereas the (4) said court, or the juvenile court for the parish of (3).....to which the matter was remitted in accordance with the provisions of the Juveniles Law, 1948, considered it expedient and in the best interests of the welfare of the said juvenile to make an order sending the said juvenile to an approved school;

These, therefore, are to command you the said Authority and all persons authorised by the said Authority to detain the said juvenile (2) in a place of safety until the name of an approved school is endorsed hereon by the Authority and then to take the said juvenile to the said approved school and deliver him to the Managers thereof; and to command you, the Managers of the approved school named in the endorsement hereon, to receive the said juvenile into your custody and to keep him in accordance with and until he is released under the provisions of the Juveniles Law, 1948.

It is hereby declared that—

- (a) the age of the said juvenile is (6).....
years.....months, being born on (6)
.....;
- (b) his religious persuasion is (7).....;
- (c) a contribution order in the sum of (8).....
a week payable by (9).....being the
(9).....of the said juvenile has been
made.

A record in accordance with the provisions of the Juveniles Law, 1948, is forwarded herewith.

Given under my hand this (10).....day of
.....at (11).....
in the parish of (3).....

(12).....

ENDORSEMENT

The approved school to which the said juvenile shall be sent is the
(13).....

Dated this (10).....

(14).....

The said juvenile shall be transferred from the above-named
approved school to the (13).....

Dated this (10).....

(14).....

- (1) State full name.
 - (2) Amend, if necessary.
 - (3) State name of parish.
 - (4) Strike out inapplicable alternatives.
 - (5) State nature of offence.
 - (6) State age and date of birth.
 - (7) State religious persuasion, if ascertainable.
 - (8) State amount, if contribution order made.
 - (9) State name and status of person by whom contributions payable if contribution order made.
 - (10) State date.
 - (11) State place.
 - (12) Signature of the proper officer of the Court.
 - (13) State name of approved school.
 - (14) Signature of Secretary of Authority.
-

FORM II

(Section 83)

The Juveniles Law, 1948

Order Committing Juvenile to Care of Fit Person

To the Authority, and to all persons authorised by the said Authority, and to the fit person named in the endorsement hereon willing to undertake the care of the juvenile.

Whereas (1).....a juvenile
was brought before the (2) juvenile court for the parish of (3)
.....(4) as being in need of care
or protection, or by his parent or guardian as being uncontrollable by
such parent or guardian, or charged with the offence of (5)
.....;

And whereas the (4) said court, or the juvenile court for the parish of (3).....to which the matter was remitted in accordance with the provisions of the Juveniles Law, 1948, considered it expedient and in the best interests of the welfare of the said juvenile to make an order committing the said juvenile to the care of a fit person who is willing to undertake the care of him;

These, therefore, are to command you the said Authority and all persons authorised by the said Authority to detain the said juvenile (2) in a place of safety until the name of a fit person willing to undertake the care of the juvenile is endorsed hereon by the Authority and then to take the said juvenile to the said fit person and deliver him to the said fit person; and to command you, the said fit person named in the endorsement hereon, to receive the said juvenile into your custody and to keep him in accordance with and until he is released under the provisions of the Juveniles Law, 1948.

It is hereby declared that—

- (a) the age of the said juvenile is (6).....years
.....months, being born on (6).....;
- (b) his religious persuasion is (7).....;
- (c) a contribution order in the sum of (8).....
a week payable by (9).....being the
(9).....of the said juvenile has been made.

A record in accordance with the provisions of the Juveniles Law, 1948, is forwarded herewith.

Given under my hand this (10).....day of
.....at (11).....
in the parish of (3).....
(12).....

ENDORSEMENT

The fit person to whose care the said juvenile shall be committed is (13).....

Dated this (10).....
(14).....

The said juvenile shall be transferred from the care of the above-named fit person to the care of (13).....

Dated this (10).....
(14).....

-
- (1) State full name.
 - (2) Amend, if necessary.
 - (3) State name of parish.
 - (4) Strike out inapplicable alternatives.
 - (5) State nature of offence.
 - (6) State age and date of birth.
 - (7) State religious persuasion, if ascertainable.
 - (8) State amount, if contribution order made.
 - (9) State name and status of person by whom contributions payable if contribution order made.
 - (10) State date.
 - (11) State place.
 - (12) Signature of the proper officer of the Court.
 - (13) State name of fit person willing to undertake the care of the juvenile.
 - (14) Signature of Secretary of Authority.

FORM III

(Section 83)

The Juveniles Law, 1948

Contribution Order

Whereas an order committing (1).....
a juvenile (2) to the care of a fit person, or to an approved school has
(2) this day, or on the (3).....been
made by (2) this court, or by a juvenile court;

(4) And whereas (5).....(2) the
fit person to whose care, or the superintendent of the approved school
to which, the said juvenile was committed has made application for
a contribution order;

It is hereby ordered that (6).....being
the (6).....of the said juvenile shall
pay to (7).....the sum of
(8).....each week to be applied in
accordance with the provisions of the Juveniles Law, 1948, the first
of such payments to be made on the (3).....,
so long as the said juvenile remains in the care of (2) such fit person,
or approved school, or until this order is varied or revoked in accordance
with the provisions of the Juveniles Law, 1948.

Given under my hand this (3).....day
of.....at (9).....
in the parish of (10).....

(11).....

-
- (1) State full name of juvenile.
 - (2) Strike out inapplicable alternative.
 - (3) State date.
 - (4) Strike out if inapplicable.
 - (5) State name of applicant, and if he is the superintendent also of the approved school.
 - (6) State name and status of person by whom contributions payable.
 - (7) State person to whom contributions payable under section 80 (2) and (3) of the Juveniles Law, 1948.
 - (8) State amount of contribution.
 - (9) State place.
 - (10) State name of parish.
 - (11) Signature of the proper officer of the Court.

FORM IV

(Section 83)

The Juveniles Law, 1948

Order Transferring Payments under Affiliation Order

Whereas an affiliation order was made on the (1).....
 against (2).....ordering him to pay
 the sum of (3).....a week to (4).....
 towards the maintenance and education of (5).....
 a juvenile of the age of (6).....until he attains the
 age of (7).....

And whereas an order committing (5).....
 a juvenile (8) to the care of a fit person, or to an approved school,
 has (8) this day, or on the (1).....been made
 by (8) this court, or by a juvenile court;

(9) And whereas (10).....(8) the fit
 person to whose care, or the superintendent of the approved school to
 which, the said juvenile was committed has made application for a
 contribution order;

It is hereby ordered that the payments to be made by the said
 (2).....under the said affiliation
 order shall be made to (11).....instead of
 to the said (4).....the first of such
 payments to be made on the (1).....so long
 as the said affiliation order remains in force, to be applied in accordance
 with the provisions of the Juveniles Law, 1948.

Given under my hand this (1).....day
 of.....at (12).....
 in the parish of (13).....

(14).....

-
- (1) State date.
 - (2) State name of person against whom affiliation order made.
 - (3) State sum payable under the affiliation order.
 - (4) State person to whom sum payable under the affiliation order.
 - (5) State full name of juvenile.
 - (6) State age of juvenile.
 - (7) State age till which affiliation order payable.
 - (8) Strike out inapplicable alternative.
 - (9) Strike out, if inapplicable.
 - (10) State name of applicant and if he is the superintendent also of the approved school.
 - (11) State person to whom contributions are payable under section 80 (2) and (3) of the Juveniles Law, 1948.
 - (12) State place.
 - (13) State name of parish.
 - (14) Signature of the proper officer of the Court.

SIXTH SCHEDULE

(Section 85)

Transitory Provisions

1. Any regulation, rule or order made, any warrant, summons, licence, certificate or notice issued, any deposition taken, and anything done, under any enactment repealed by this Law shall, for the purposes of this Law, be deemed to have been made, issued, taken or done under the corresponding provisions of this Law, and the like proceedings may be had thereon and in respect thereof, as if it had been made, issued, taken or done under this Law.

2. Any person who at the commencement of this Law is under section 5 of the Children and Young Persons Law (hereby repealed) being detained in a place of safety may be so detained until he can be brought before a juvenile court. Cap. 386.

3. Nothing in this Law shall render invalid any summons pending at the commencement of this Law for bringing a juvenile before a court with a view to his being committed under section 6 of the Children and Young Persons Law or under the Reformatories and Industrial Schools Law to the care of a relative or other fit person or with a view to his being sent to a reformatory or industrial school, but the court before which the juvenile is brought under the summons, if it is constituted as a juvenile court, shall proceed as if he had been brought before it as being a juvenile in need of care or protection, and if it is not constituted as a juvenile court, shall adjourn the case until it can be so constituted and shall then proceed as aforesaid. Cap. 113.

4—(1) This Law shall apply in relation to reformatories and industrial schools in existence under the Reformatories and Industrial Schools Law at the commencement of this Law as if— Cap. 113

- (a) in the cases of reformatories and Government industrial schools, such reformatories and schools had been declared to be approved schools under section 35 of this Law;
- (b) in the cases of all other industrial schools, such schools had been declared to be approved schools under section 36 of this Law.

(2) Until such time as the Governor in Executive Council has prescribed the sums to be paid to the managers of approved schools under sub-section (2) of section 75 of this Law and to the Financial Secretary and Treasurer and the managers of approved schools under sub-section (3) of the said section 75, the sums required to be paid by the Financial Secretary and Treasurer under section 42 of the Reformatories and Industrial Schools Law (hereby repealed) and the monies required to be reimbursed the Financial Secretary and Treasurer by the Kingston and St. Andrew Corporation and the Parochial Boards under section 43 of the said Law at the commencement of this Law shall continue to be so paid and reimbursed.

5. Where a juvenile had at the commencement of this Law been ordered to be sent to a reformatory or industrial school, but has not reached such reformatory or industrial school, the like proceedings may be had and the like things done for the purpose of securing that he is sent to such reformatory or industrial school, and with respect to his custody in the meantime, as might have been had or done if this Law had not been passed.

6. Subject to the provisions of this Schedule, this Law shall apply in relation to persons who at the commencement of this Law are lawfully detained in, or out on licence or under supervision from, or are absentees from, any reformatory or industrial school, as if they were persons detained in, or out on licence or under supervision from, or absentees from, an approved school under the provisions of this Law:

Provided that the periods for which such persons are liable to be detained in approved schools and to remain under the supervision of the managers thereof shall (except so far as increased by virtue of the provisions of this Law relating to persons guilty of misconduct in schools or of escaping, running away or refusing to return when recalled) be such as if this Law had not been passed.

7. Where before the commencement of this Law a juvenile has been committed to the care of a relative or other fit person or has been ordered to be sent to a reformatory or industrial school and an order is in force at the commencement of the said Law requiring any person liable to maintain him or to contribute to his maintenance, or requiring the whole or any part of any payment under an affiliation order to be paid to a person named in the order, this Law shall apply in relation to the order as if it had been made under this Law.

SEVENTH SCHEDULE

(Section 86 (1))

Enactments Amended

Short Title of Enactments	Amendments
(a) The Evidence Law (Cap. 468).	In the Schedule for the words and figures "The Children and Young Persons Law. Cap. 386" there shall be substituted the words and figures "The Juveniles Law, 1948" and for the word and figure "Part I" there shall be substituted the words and figures "Part III and Part VIII".
(b) The Labour Officers (Additional Powers) Law, 1943 (Law 8 of 1943).	In the Schedule for the words and figures "The Children and Young Persons Law (Cap. 386)" there shall be substituted the words and figures "The Juveniles Law, 1948".

SEVENTH SCHEDULE (contd.).

Short Title of Enactments

Amendments

- (c) The Prisons Law, 1945
(Law 26 of 1945).

Section 37 shall be amended in the following respects:—

- (a) by the deletion of the word "Where" from the first line of sub-section (1) and the substitution therefor of the words "Save where under the Juveniles Law, 1948, a court may commit a juvenile to such place as may be specified in the commitment warrant or the Governor may direct that a juvenile be detained in such place and under such conditions as he shall think fit, where";
- (b) by the substitution of the word "seventeen" for the word "sixteen" where the latter word appears in sub-section (1).

EIGHTH SCHEDULE

(Section 86 (2))

Enactments Repealed

- (a) The Reformatories and Industrial Schools Law (Cap. 113).
- (b) The Children and Young Persons Law (Cap. 386).
- (c) The Reformatories and Industrial Schools (Amendment) Law, 1941 (Law 31 of 1941).
- (d) The Children's Homes Law, 1941 (Law 47 of 1941).
- (e) The Children and Young Persons (Amendment) Law, 1941 (Law 57 of 1941).
- (f) The Children's Homes (Amendment) Law, 1944 (Law 51 of 1944).

JAMAICA

No. 45—1948

I assent,

[L.S.]

J. HUGGINS,

Governor.

7th December, 1948.

A LAW to Amend the Dangerous Drugs Law, 1942.

[9th December, 1948]

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1—This Law may be cited as the Dangerous Drugs (Amendment) Law, 1948, and shall be read and construed as one with the Dangerous Drugs Law, 1942, hereinafter referred to as the principal Law.

Short title
and con-
struction.

Law 22 of
1942.

2—The principal Law is hereby amended by the insertion next after section 25 of the following section as section 25A—

Insertion of
section 25A
in principal
Law.

"Admissibility of certificate of Government Chemist and Deputy Government Chemist.

25A—In any proceedings against any person for an offence against this Law the production of a certificate signed by the Government Chemist or by the Deputy Government Chemist shall be sufficient evidence of all the facts therein stated, unless the person charged requires that the Government Chemist or the Deputy Government Chemist be summoned as a witness, when in such case the Court shall cause him to attend and give evidence in the same way as any other witness."

No. 46--1948

I assent.

[L.S.]

J. HUGGINS,

Governor.

8th December, 1948.

A LAW to Amend the Recognizances and Sureties of the
Peace Law.

[9th December, 1948]

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1—This Law may be cited as the Recognizances and Sureties of the Peace (Amendment) Law, 1948, and shall be read and construed as one with the Recognizances and Sureties of the Peace Law, hereinafter referred to as the principal Law.

Short title
and con-
struction.
Cap. 474.

2—Section 2 of the principal Law is hereby amended in the following respects—

Amendment
of section
2 of
principal
Law.

- (i) by the insertion after the word "recognizance" in the sixth line thereof of the words "and of the sum of ten shillings for costs";

- (ii) by the insertion after the word "penalty" in the seventh line thereof of the words "and costs"; and
- (iii) by the insertion after the word "penalty" in the eleventh line thereof of the words "and costs".

Insertion of
section 2A
in principal
Law.

3—The principal Law is hereby amended by the insertion therein, next after section 2, of the following section as section 2A—

"2A—(i) Subject to any order of the Court the Bailiff shall be entitled to retain as a fee the costs recovered under any such warrant.

(ii) When on the execution of any warrant either—

- (a) the penalty and costs are not recovered; or
- (b) the penalty and costs are remitted in whole or in part,

the Court may in its absolute discretion make an order for the payment out of General Revenue to the Bailiff of a sum equal to the costs referred to in paragraph (a) of this sub-section or to the amount of the costs remitted as the case may be.

No. 47—1948

I assent,

[L.S.]

J. HUGGINS,

Governor.

10th December, 1948

A LAW to Amend the Parishes Water Supply Law.

[14th December, 1948]

ENACTED by the Governor of Jamaica with the advice and consent of the Legislative Council and House of Representatives.

1—This Law may be cited as the Parishes Water Supply (Amendment) Law, 1948, and shall be read and construed as one with the Parishes Water Supply Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and
construction.
Cap. 38.

2—Section 54 of the principal Law is hereby amended by the insertion after the word “water” in the second line of paragraph (a) of the words “or sinking or repairing a well”

Amendment
of section 54
of principal
Law.

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